

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
JUNE 4, 2007
6:30 P.M.

- 1. CALL TO ORDER**
- 2. ROLL CALL/INVOCATION**
PLEDGE OF ALLEGIANCE

- 3.) APPROVE MINUTES:** Council Meeting minutes meeting held May 21, 2007
Council Work Session minutes meeting held May 17, 2007

PRESENTATION: People to People / Jean Singleton

4. REPORT STANDING COMMITTEES:

- A. FINANCE COMMITTEE / Scott**
- B. BUILDINGS & PROPERTY - Lake**
- C. PUBLIC SAFETY - Burnam**
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Landry**
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding**
Review minutes meeting held April 4th
Review minutes meeting held May 4th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments - Eady**
- B. Downtown Redevelopment Authority – Barnette**
- C. Industrial Development Board - Yelding**
- D. Library Board - Lake**
Review minutes meeting held May 14th
- E. Planning Commission – Barnette**
Review minutes meeting held April 26th
Set Public Hearing date of July 2, 2007 to consider rezoning of Big Sandy, LLC / Property located SE of the intersection of Johnson Road and US Hwy 98 / 1st Parcel From R-2, Medium Density Single Family Residential District to B-2, General Business District / 2nd Parcel from R-4, High Density Single Family and Multi-Family Residential District
- F. Recreation Board - Palumbo**
Review minutes meeting held May 9th
- G. Utility Board - Scott**

6. REPORTS OF OFFICERS:

- A. Mayors Report**
 - a.) ABC License / Poseidon's Mediterranean Grill, LLC / 060 – Retail Table Wine (On or Off Premises) / 040 – Retail Beer – (On or Off Premises)
- B. City Attorney's Report**
- C. Department Head Comments**

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Bid Award: US 90 Sewer Project / Phase A, Lift Station - Northwestern, Inc. / Phase B – Force and Gravity Sewer Mains – R & B Contracting, Co. /Resolution 2007-44**

ORDINANCES:

2ND READ

- a.) **Rezone: Arthur & Pina Witherington Property from R-5 to B-1. /Ordinance 2007-24**
- b.) **Amending the Animal Control Ordinance 2003-11 /Ordinance 2007-27**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ _

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ _

COUNCILMAN BURNAM

PRESENT__ ABSENT__ _

COUNCILMAN SCOTT

PRESENT__ ABSENT__ _

COUNCILWOMAN LANDRY

PRESENT__ ABSENT__ _

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ _

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ _

CITY CLERK:

DAVID L. COHEN

PRESENT___ ABSENT___

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

MAY 21, 2007
CITY COUNCIL MEETING
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DAPHNE, AL
6:30 P.M.

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1. CALL TO ORDER

Council President Burnam called the meeting to order at 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Scott gave the invocation.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Greg Burnam; Ron Scott; Regina Landry; August Palumbo.

ABSENT: Cathy Barnette; John Lake.

Also present: Mayor Small; David Cohen, Rebecca Hayes, Assistant City Clerk; City Clerk; Jay Ross, City Attorney; Bill Eady, Planning Department Director; Melvin McCarley, Public Works Supervisor; Tonja Young, Library Director; Sandra Morse, Civic Center Director; Kenneth Hanak, Fire Chief; David Carpenter, Police Chief; Kim Briley, Finance Director; David McKelroy, Recreation Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; Promoted Police and Fire Employees; Rob McElroy, Utility Director; Lon Johnston, Utility Board; Al Guarisco, Village Point.

3. APPROVE MINUTES:

MOTION BY Ms. Landry to approve the Council meeting minutes meeting held May 7, 2007.

Seconded by Mr. Yelding.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Ms. Landry to approve the Special Council meeting minutes meeting held May 15, 2007.

Seconded by Mr. Scott.

AYE Yelding, Landry, Palumbo

NAY NONE OPPOSED

ABSTAIN Burnam, Scott

MOTION CARRIED

PRESENTATION: Rob McElroy, Utility Director, / Water Conservation

Mr. McElroy stated that the Utilities will be beginning Phase I of their Water Conservation Plan on Wednesday morning and this is the voluntary portion. He said that this is the same thing they did last year only three (3) weeks earlier. He stated that this month they are using 21% more water in the City of Daphne than was used last year at this time, and the city only has about 2½% more population than last year. He reported that the city is officially in a drought situation declared by the USDA. He said that last year the citizens of Daphne

responded incredibly well to the conservation plan which got them through the summer. He said that if you plant something water it so it will not die, but do not water your existing lawn, shrubs, etc.

Mr. Yelding stated that if they are asking the citizens to conserve and not water their lawns then the city should turn off their sprinklers also.

PRESENTATION: Employees Promoted within the Fire and Police Departments

Fire Department Promotions to Lieutenant

Responsible for being a Supervisor at the outlying stations:

Chief Hanak introduced the Firemen that were promoted:

John Persson	Luke Andrews
John Crawford	Ken Waits
Eric Hayes	Troy Gorlott

Police Department Promotions:

Chief Carpenter introduced the Policemen that were promoted:

Captain Danny Bell – Over Field Operations, Police Patrol, & Detective Division

Jason Vannoy	–	Corporal in Patrol
Ken Lassiter	–	Sergeant in Patrol
Jud Beedy	–	Lieutenant in Investigations
Ron Gibney	–	Sergeant
Joe Taylor	–	Detective
David Smith	–	Corporal in Patrol
Michael Merritt	–	Corporal in Patrol
Ric Yelding	–	Lieutenant
Kenny Hempfleng	–	Lieutenant in Patrol

PRESENTATION: S.E.E.D.S. / Denise D'Oliviera and Ruth Seawell

Mrs. Seawell stated that they hired Mrs. D'Oliviera to be the Communications Coordinator. She announced that they will have \$25,000 for enrichment grants this year. She stated that so far they have contributed \$44,000 in grants to the schools. Mrs. Seawell reported that to date there are 77 students signed up for the IB program. Mrs. D'Oliviera presented the new website in a power point presentation.

PRESENTATION: Master Recreation Plan for Recreation Property / Mr. Ed Nelson, Chairman of the Recreation Board

Mr. Nelson thanked the Recreation Board and the advisors for their diligence and open mindedness to the giant project, David McKelroy and his staff for information that was provided to them in putting this together, HMR and Brandon Adams for their insight and patience because it seemed at every meeting there were additions and revisions made to the plans and they responded very professionally, and foremost he thanked the

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citizens of Daphne who took the time to come and participate and give their suggestions and recommendations as to what was needed. He stated that this is an ambitious plan and no doubt will be an expensive. He said that what will not be included is the cost as related to the infrastructure for the development, cost related to the facility construction, architectural designs of any of the facilities, buildings or centers that are in the program, and they have not made an effort at this point to prioritize or recommend phases of construction. He stated that this is a conceptual plan presented to Council for their review and he stated that what the board is looking for tonight is for Council to tell them what is their next step in the development of these facilities.

Mr. Kit Smith stated that when the Recreation Board was reactivated last July they spent a tremendous amount of time meeting with various people in the community and determining exactly what their wishes and desires were and the needs as far as the city's future recreation is concerned. He said that the first thing they did was to determine what would be the highest and best use and how to lay everything out on the site. He said that in order to do that they took a look at the existing facilities at Trione and Lott Park. Mr. Smith said that they put a lot of thoughts and ideas into both of those facilities. He stated that they thought it would be best to put all the baseball facilities on the recreation property, so you will have softball, Dixie Boys fields, there is a miracle field, which is for children who have some physical problems where they can't play regular baseball, there is T-Ball fields, and there is potential to put in a water park and a senior citizens facility, a BMX track, which is a bicycle track, there is volleyball and basketball courts, and they tried to do everything that they could as far as trying to accommodate having major sports events come in and occupy the hotels. Mr. Smith stated that in doing this, and after a lot of thought it was determined that this should be turned into a soccer complex, and then all the soccer fields are in one location and, therein again, it will be large enough to accommodate tournaments. The board is trying to negotiate with the Baldwin County Board of Education on acquiring some additional land that is to the south of the existing 90 year lease, and if they can do that, he thinks that as far as the soccer fields are concerned they will at least have enough fields to adequately take care of the number of children enrolled in the soccer program at this time. He said it is their thoughts to convert Lott Park into a first class tennis complex. He stated that he is on the Downtown Redevelopment Authority and a lot of business people are working hard to get Main Street going with restaurants and retail stores, and he feels that if the city has a first class tennis facility at that location then a lot of women that play tennis will come and eat at the downtown restaurants. He said that this would be a wonderful place for the high school to have their tennis matches.

Mr. Brandon Adams, a landscape architect in Mobile, narrated a power point presentation of the conceptual design of the recreation property.

Council agreed that the design is wonderful and will be an asset for the city, and that the work will be done in stages.

PUBLIC HEARING: Rezone: Arthur and Pina Witherington / Property located on the
NE Corner of Whispering Pines Road and Parker Lane
From R-5, Mobile Home Residential District to B-1,
Local Business District

Mrs. Adrienne Jones stated that this rezoning has a favorable recommendation from the Planning Commission.

Mrs. Pina Witherington gave a presentation explaining the reason for the requested zoning.

Council President Burnam opened the Public Hearing at 7:30 p.m.

No one spoke for or against the proposed rezoning.

Council President Burnam closed the Public Hearing at 7:31 p.m.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

The minutes for the May 14th meeting are in the packet.

Renaissance Center

Mr. Pfil Hunt spoke regarding the Resolutions creating improvement districts for the Renaissance Center. The Resolutions will allow for the creation of a 99-A Improvement District which allows the developer to assess their property, and a 99-B Cooperative District which allows developers to access hotel and sales tax to offset debt. The Memorandum of Understanding (MOU) outlines the tax splits. The changes requested at the work session were made to the MOU.

Council discussed the Memorandum of Understanding and requested that the following changes be made to the MOU:

Under Section 1 b #2 omitting the words “parts and services” to read “one half cent on automobile retail sales” and in Section 3 inserting the words “all costs” (developer shall be responsible for all costs related to the sale of the bonds) and in Section 5 omitting the words “acquisition of real property by Developer” to read “execution by Developer” (terms of agreement will become effective upon approval by the City Council and execution by Developer).

Treasurers Report / April 30, 2007

MOTION BY Mr. Scott to accept the Treasurers Report ending April 30, 2007 with a balance of \$25,660,954.37. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to authorize the Mayor to enter into an agreement relative to the Mediacom Franchise renewal with Telecommunications Consulting Associates in the amount of \$125 per hour. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Sales Tax Collections / March 31, 2007

There was \$1,071,598.385 in March and year to date collections are \$56,000 under budget. Mrs. Briley included in the packet a summary for the first six (6) months of the fiscal year and the good news is when the Council took office in 2004 the reserves fund balance was \$3.8 million and at the end of the last fiscal year it

was \$8.2 million and at the end of the first six (6) months of this year the reserves are \$10.1 million. So even though less sales tax has been collected than budgeted the Mayor and department heads have done a excellent job at maintaining and controlling expenses.

Lodging Tax / March 31, 2007

Lodging tax collected for March was \$66,000 that was \$10,000 above February. Mr. Scott stated that \$6,000 of this was found by Revenue, which was an oversight of one hotel.

A list of Top Five Sales Tax Payers in the city has been included in the packet so that Council can get a feel of where the budget should go. The top five have increased by 6.7% versus the city overall which increased only 1.03% which means the bigger stores are doing better than the little stores.

B. Buildings and Property Committee – Lake

No report. No meeting in May. The next meeting will be June 1st.

C. PUBLIC SAFETY COMMITTEE – Burnam

The minutes for the May 8th meeting are in the packet.

MOTION BY Ms. Landry to Authorize the Mayor to enter into an Agreement with Columbia Southern University. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

No report. No meeting in May. The next meeting will be the 1st Tuesday in June.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The committee will meet Friday at 8:00 a.m. in the Council Chambers.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

No report.

B. Downtown Redevelopment Authority – Barnette

No report.

C. Industrial Development Board – Yelding

Minutes are in the packet, and the next meeting will be the 3rd Thursday of the month.

D. Library Board – Lake

It is time to sign-up for the 2007 Summer Reading Program. The Library and WHIL are offering the Radio Reading Service. You can try the program by checking out a special radio for two (2) weeks. There is a free program for the visually impaired. There will be a book sale on May 30th. Mrs. Young hope to give a report on the feasibility study at the next meeting.

E. Planning Commission – Barnette

The minutes for the April 26th are in the packet. The Commission will meet Thursday at 6:00 p.m.

F. Recreation Board – Palumbo

The next meeting is Wednesday June 13th at 6:00 p.m.

G. Utility Board – Scott

The next meeting will be one (1) week from Wednesday at 5:00 p.m.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

- a.) *ABC License / Sam's East, Inc. / 040 – Retail Table Wine (On and Off Premises) / 060 – Retail Beer (On and Off Premises)*

MOTION BY Mr. Yelding to approve the ABC License for Sam's East, Inc. / 040 – Retail Table Wine (On or Off Premises) and 060 – Retail Beer (On or Off Premises Only). *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

- b.) *Authorize the Mayor to enter into a Memorandum of Understanding with Renaissance Center, LLC*

MOTION BY Ms. Landry to Authorize the Mayor to enter into a Memorandum of Understanding with Renaissance Center, LLC with corrections made earlier which include omitting the words “parts and services” under Section 1 b #2 to read “one half cent on automobile retail sales” and in Section 3 inserting the words “all costs” (developer shall be responsible for all costs related to the sale of the bonds) and in Section 5 omitting the words “acquisition of real property by Developer” to read “execution by Developer” (terms of agreement will become effective upon approval by the City Council and execution by Developer). *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

- c.) *Land Swap with Irvine Properties*

MOTION BY Mr. Scott to send this request to the Planning Commission. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mayor Small introduced Mr. Tom Snow who is the manager for the new Sam's Club.

B. City Attorney's Report

Mr. Ross commented on a letter from Mr. Lee Martin regarding the Go Zone Loan for Tameron Honda which is asking the Council to consider approving an amended amount from \$8 million to \$10 million, and if there are questions the Council has regarding this they are willing to postpone it.

Mr. Ross asked Council to e-mail him or Lee Martin any suggestion for the Development Agreement with Renaissance Center.

C. Department Head Comments

David McKelroy – Recreation Director – announced that Art in the Park will be May 31, June 7, from 10:00 a.m. – 1:00 p.m. and that Wet & Wild Wednesdays will be June 13, 20, and 27 from 10:00 a.m. – 1:00 p.m.

Sandra Morse – Civic Center Director - thanked everyone who help with the Zydeco Festival and Community Day and those who came to the event and the sponsors of the event.

Sharon Cureton – Human Resource Director – reported that the Employee Service Awards Lunch was May 18th at the Civic Center. Awards were given to employees with 5, 10 and 20 years of service to the city. She announced that the Employee Health Fair will be July 25th at the Civic Center, and she invited the Council to come.

Ms. Tonja Young – Library Director – invited parents to bring their kids to sign-up for the Reading Program, and that they will have four (4) speakers from Alabama Humanities on July 1st.

David Cohen – City Clerk – reported to Council regarding the annexation advertisement which is required before sending the request to the Legislature stating this required a proof of payment for advertisement and that after requesting the affidavit for payment ahead of time he did not receive it in time to get it paid and get the document to the Legislature in the five (5) day deadline, so they will not be able to have the referendum.

Mayor Small stated that they can look at it again later after they have set up some proposed rezoning of some of the property.

7. PUBLIC PARTICIPATION

Mr. Labaron Pritohett - 912 Van Avenue - spoke regarding the cemetery behind the recreation property.

Mr. Al Guarisco – Randall Avenue – spoke regarding adopting rules for the bayfront parks.

Mr. Roger Drummond – Ridgewood Drive – spoke regarding voting a pay raise for Council members before the next election because of the amount of time involved in being.

Mrs. Pina Witherington – Daphne – wanted to know where the recreation property was, and she thanked Ms. Becky for helping her this evening with a table to put her papers on and giving her some water.

Mr. Donald Oullette – spoke regarding the recreation property.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) Creation of a Capital Improvement District /
Renaissance of Daphne. /Resolution 2007-38
- b.) Creation of an Improvement District /
Renaissance of Daphne. /Resolution 2007-39
- a.) Prepaid Travel / Briley / Henson. /Resolution 2007-40
- b.) Bid Award: May Day Park Restroom Facility
East Coast Contracting, Inc. /Resolution 2007-41
- c.) Bid Award: Lake Forest Road Improvements /Resolution 2007-42
- d.) Authorizing Issuance of Credit Cards:
Human Resource Director. /Resolution 2007-43
- e.) Land Swap with Irvine Properties, Inc. /
Bayfront Drive Property /Resolution 2007-44

MOTION BY Ms. Landry to waive the reading of Resolutions 2007-38, 2007-39, 2007-40, 2007-41, 2007-42 and 2007-43. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt Resolution 2007-38. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt Resolution 2007-39. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt Resolutions 2007-40, 2007-41 and 2007-42. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt Resolution 2007-43. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

a.) International Building Code. /Ordinance 2007-23

1ST READ

b.) Rezone: Arthur & Pina Witherington Property from R-5 to B-1. /Ordinance 2007-24

c.) Appropriation: Hydrological Study. /Ordinance 2007-25

d.) Appropriation: May Day Park Restrooms. /Ordinance 2007-26

d.) Amending the Animal Control Ordinance 2003-11 /Ordinance 2007-27

MOTION BY Ms. Landry to waive the reading of Ordinance 2007-23. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt Ordinance 2007-23. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to suspend the rules for Ordinance 2007-26. *Seconded by Mr. Scott.*

ROLL CALL VOTE

Yelding	Aye	Palumbo	Aye
Scott	Aye	Burnam	Aye
Landry	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to waive the reading of Ordinance 2007-26. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Ordinance 2007-26. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to suspend the rules to consider Ordinance 2007-25. *Seconded by Mr. Yelding.*

ROLL CALL VOTE

Yelding	Aye	Palumbo	Aye
Scott	Aye	Burnam	Aye
Landry	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to waive the reading of Ordinance 2007-25. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt Ordinance 2007-25. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2007-24 AND 2007-27 WERE MADE 1ST READ.

9. COUNCIL COMMENTS

Mr. Yelding commended the Mayor and Mrs. Morse for a great venture with the Zydeco Festival, Community Day and the Flounder parade. He said that it was so exciting, and he thanked the Mayor for recognizing all the people who serve on the committees. He said that it was a great event and he hopes that they can continue to elevate that event.

Mr. Scott said that he agrees with Mr. Yelding 100%. He also pointed out that they gave out over 80 certificates for the different volunteer people that serve on the different boards and commissions within the city. He stated that the city could not operate without those volunteers, and they are greatly appreciated by this Council, Mayor and city employees. Mr. Scott said that he forgot to mention that the date of the next

Finance Committee meeting has changed to June 5th at 4:00 p.m., because Mrs. Briley and Mrs. Henson will be out of town.

Ms. Landry stated that she too would like to commend the city employees for the Zydeco Festival, and she wanted to thank the Recreation Board for the great presentation. She said that the city is very excited about it, and she has received a lot of e-mails in support of the plan already. *Ms. Landry* said that she appreciates all their hard work.

Mr. Palumbo gave kudos for the Zydeco Festival. He said that he spoke to folks from Colorado, California and said that people are coming from all around to follow these festivals, and some follow one band around. He stated that Daphne is the only festival that offers multiple bands, and Saturday night the place was packed. He said that the employees did a great job and that it was nice to have folks come up to you and congratulate the city on having such a great event and such a great facility to have the festival. *Mr. Palumbo* stated that he had the privilege of attending the Employee Awards luncheon on Friday and see employees receive their service pins, and it is great to see employees that have been here five (5) years, ten (10) years and twenty (20) years. He said that it was great seeing that they have hung in for those amounts of years. He said that Mayors, Council and Department Heads come and go but the employees are there trudging on and they are the back bone of the city. He said it was an honor to see them receive the awards, and he commended Mrs. Cureton for doing a great job of putting it together. *Mr. Palumbo* stated that he has received a lot of phone calls regarding the dog park asking when it will be open. He stated that the money has been appropriated and, hopefully, it will be open soon. He asked if this could be put up a notch or two on the priority list. *Mr. Palumbo* stated that they set a record tonight for suspension of the rules.

Mayor Small stated that thinking back three years ago when Mrs. Morse came to Council with the idea of the Zydeco Festival she had to convince, convince, convince him and the Council that the Zydeco Festival was what was needed for Daphne. He said that he thinks they have all seen how it has grown in the last three years. *Mayor Small* said that they have also seen what they can do with Community Day, which actually was the birth of Mrs. Morse too. He said that it was one of her dreams to recognize all the people of Daphne. He said that especially with her high end champagne taste and working on his chaffer budget she does a tremendous job. He said that she traveled extensively on her on time and probably with her own money to make sure she got the right entertainment and the venue to attract the base people, and with the idea she had for Community Day with free music to attract a lot of local people to acquaint them with the music, and he thinks this will be a great success from now own.

Council President Burnam stated that they had a long meeting and a lot was on the agenda and he was surprised that it was only 8:30 p.m. He said that he agreed they did set a record tonight.

Mr. Ross stated he reported to Council on Thursday night that the IED contract had not resolved itself, but he and Mrs. Briley met with the IED people tonight at 5:30 p.m. and it is now resolved. They will produce a signed contract tomorrow.

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10. ADJOURN

MOTION BY Mr. Yelding to adjourn. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT
8:35 P.M.

Respectfully submitted by,

David L. Cohen
City Clerk

Certification of Presiding Officer:

Greg Burnam
Council President
Date & Time Signed: _____

MAY 17, 2007
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

COUNCIL MEMBERS PRESENT: Bailey Yelding, Cathy Barnette; John Lake; Greg Burnam; Ron Scott; August Palumbo.

ABSENT: Regina Landry

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Mayor Fred Small; Jay Ross, City Attorney; Kim Briley, Finance Director; Kenny Hanak, Fire Chief.

1. CALL TO ORDER

Council President Burnam called the meeting to order at 6:35 p.m.

2. TAMERON HONDA – RESOLUTION 2007-36

Mr. Ross stated that Tameron Honda has temporarily withdrawn the resolution.

RENAISSANCE CENTER / MOU / RESOLUTIONS 2007-38 AND 2007-39

Mr. Pfil Hunt explained how the Improvements Districts work. 99-A the developer assesses his own property and uses that to back the bonds. 99-B is what the developers of the Eastern Shore Center, Aronov and Bass Pro used which is capturing a portion of the sales and lodging tax.

Council asked questions of Mr. Hunt.

2. PRESENTATION BY HUNTINGDON COLLEGE

Mr. Cameron West gave a synopsis of the history of the college began and where the colleges are located. Their goal is to eventually expand to a four (4) year college.

3. MAYOR'S REQUEST FOR ATTORNEY

Mayor Small explained that Mr. Ross is hired by Council and that sometimes situations arise when he needs to talk confidentially and he does not want to put Mr. Ross in the middle. He said this is not for everyday use but only when the need arises.

Council discussed the issue. The majority of the Council did not have a problem with this request as long as it was not an everyday thing or duplicating what Mr. Ross is doing, just occasional when the need presented itself.

Mayor Small also stated that he would like the Council to meet with the architect to discuss the color scheme for city hall. He stated that construction was ahead of schedule and it was time to start ordering the finish for the building.

Council discussed a time to meet and decided to meet with the architect after the Council meeting on Monday.

**MAY 17, 2007
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6:30 P.M.**

Mayor Small asked the Council to think about changing the form of government to a City Administrator and part time Mayor.

Council President Burnam stated that this would be a good subject for the Council Retreat.

4. BLUE PRINT FOR TOMORROW

Greg Louglin gave Council an update on what is going on with Blue Print for tomorrow now and what will happen in the future. He handed out a packet of information to Council. He also reported the benefits of the program to Council.

Council discussed the issue and agreed to pay the \$35,000 toward Blue Print for Tomorrow.

5. FIRE CHIEF APPLICATIONS

Council President Burnam wanted to check to make sure everyone had made a appointment with Mrs. Cureton to review the applications.

REPORT BY CITY ATTORNEY

Mr. Ross stated that IED, the company who won the bid for debris removal, has not signed the contract and they have had plenty of time to do so. He will have more details on this Monday. Mayor Small said that they will need to extend the contract with Crowder Gulf.

6. ADJOURN

There being no further business to discuss the meeting adjourned at 8:50 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam,
Council President
Date & Time Signed:_____

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

Daphne Beautification Committee

Meeting Minutes

April 4, 2007

Meeting: General Membership Meeting

Location: City Hall, 1705 Main Street, Daphne, AL

Invitees: Guests: Jennie Vincent, Jodi Klugel

City Liaison: Marshall Parsons, Marjorie Bellue

Members

Chair: Anne Talton (7)	Carolyn Coleman (2)	Thomasena Warner (4)
Vice Chair: Vincent Russo (2)	Dorothy Morrison (2)	Jerry Guillott (4)
Secretary: Toni James (1)	Bea Wilson (2)	Patty Kearney (5)
Trea: Frieda Romanchuk (7)	Judy Sholtis (2)	Dorothy Rankins (5)
Jessica Prater (1)	Nancy Henderson (3)	Audrey Rouier (6)
Marilyn O'Conner Moore (2)	Selena Vaughn (4))	Frances Harrell (1)
		Kay Wineman (7)

Members Absent: Jerry Guillott, Nancy Henderson, Dorothy Rankins, Audrey Rouier, Vincent Russo,

- I. **Call to Order** – The meeting was called to order at 10.01 am by the President, Anne Talton.
- II. **Approval of Minute** – The minutes of the March meeting were approved as distribution by email with no corrections
- III. **Budget Report** – Frieda Romanchuk, Treasurer, presented the report to members noting available dollars at \$32,398.70 at this time

Sub-Committee Reports –

- **Beautification Awards** – Members Jerry Guillott, Patty Kearney, Marilyn O'Connor Moore, Audrey Rouier, Judy Sholtis, Thomasena Werner, Bea Wilson. General discussion on how to involve local businesses to participate in this event. Committee members present will meet briefly after the DBC meeting to discuss and will present suggestions to all members at a future DBC meeting
- **Butterfly Garden**- Members- Co-Chair Dorothy Morrison & Frieda Romanchuk- general members Carolyn Coleman, Jerry Guillott, Toni James, Patty Kearney, Marilyn O'Connor Moore, Vincent Russo, and Anne Talton. Co-Chair Dorothy Morrison advised members the March clean up went well with a total of 6 bags of trash picked up. Further a local Eagle Scout Group is interested in doing a project and will make a presentation to the DBC. A second Eagle Scout Group is interested in making benches. Discussion was held regarding the need for a fence along the parking lot. There is an estimate of \$1,200.00 for materials with the DBC providing the labor. Motion made by Dorothy Morrison to allocate this amount for this project. Frieda

Romanchuk seconded, members voted and motion carried. A meeting of the Butterfly Committee will be April 9th at 9 AM at the Public Works building.

- **Old Town Daphne Association** Frieda Romanchuk reported Cathy Barnett would be a speaker at the March meeting and encouraged DBC members to attend.
- **Community Garden** – a meeting is scheduled for March 9th. The DBC general members present the DBC March 2nd held a discussion regarding the participation by the Community in this project.. There is no data to support the interest of Daphne residents at this time in this project. This item was tabled for future consideration.
- **Crape Myrtles** – There are still some small trees marked for removal on the Highway 98 corridor. Dept of Public Works is in the process of planting some of these trees on the West side of Scenic 98 in Downtown Daphne.
- **Easter Committee** – Chair Anne Talton recommend the members of this committee focus on decorating the large eggs this year. It was suggested we contact the local High School Art Department to see if they might be interested in this project.

IV. **Open Business**

- **Charter**- Chair, Anne Talton, suggest DBC create a treasurer position and put forth a nomination for Frieda Romanchuk to fill this position since she is the budget chairperson. All favored the nomination Anne will update charter showing the slate of Officers for DBC.
-
- **Substations**- Follow up to March meeting Frieda Romanchuk presented a draft of the letter to be sent to the Planning Board; regarding landscaping requirements of utility boxes in new plan submitted for construction in Daphne.
- **Daphne Community Day** – DBC approved this as a 2008 project and a Committee will be organized to work on this project.

VI **New Business**

- **Open Discussion:** Regarding the need for formal letterhead for the Daphne Beautification Committee. In order to control costs members discussed several options for format and DBC will endeavor to design the letterhead through the efforts of DBC membership.
- **Officer Position filled:** Freida Romanchuk accepted a nomination as Treasurer for the DBC. She was approved by unanimous vote.
- **Public Works Report – Marshall Parsons**
 - I. **US Flags** have been purchased for all areas, which now have worn Flags.

- II. **Centennial Park** – Completion date for installation of new playground equipment will be by April 13th. Any future park enhancements will be under the direction of the Recreation Department rather than the Dept of Public Works
- III. **Rose Garden**- Located at the Daphne Civic Center needs to be trimmed every 32 days. Marshall suggested the DBC devise a plan so the roses could be cut prior to the monthly pruning. DBC members will work with Marshall to determine the best approach for this project. Several members of DBC are Master Gardeners and they will guide this project
- IV. **Welcome to Daphne Signs**- Multiple signage will be less expensive than ordering one at a time. The cost for each will be \$4320.00 plus \$200.00 to install. The cost for 3 signs will total \$13,560.00. Dorothy Morrison made a motion to proceed with the purchase of this signs. Frieda Romanchuk seconded and motion carried by a unanimous vote of the members present. These signs will designate Daphne City limits on 181 South of I-10, US 98 South and the third will be held for future installation on US 64.
- V. **Safety Committee** – Marjorie Bellue reported the planter/bench has been placed at the Daphne Public Library on the sidewalk in front of the storm water drainage grate. The concern for potential injuries at this site was discussed at the March DBC meeting.
- VI. **May Day Park** – Handicapped access walk needs to be landscape
- VII. **Alabama Power Grant** – Has been obtained for the purchase of trees to be placed North of I-10 in Alligator Alley.
- VIII. **Lake Forest Entrance** – Work has begun on new Landscaping for the Windsor & D'Olive entrance.
- IX. **Christmas Decorations** – DBC still needs to work on an inventory of Christmas Decorations. Some will need to be disposed of and new purchases approved for Christmas 2007. Anne Talton, Chair will schedule a meeting for this committee.
- X. **Village Point Park** – a \$10,000.00 Grant has been received for this project. The Public Works Department will direct the work on this park.
- XI. **Arbor Day Celebration – The** focus for the 2008 Arbor Day Celebration will be designed for the active participation of Children. Judy Sholtis volunteered to work with Marshall Parsons on this part of the program.

There being no further business the meeting was adjourned at 11:24 AM.

Minutes submitted by Toni James, Secretary

Minutes approved by Anne Talton, President,

Daphne Beautification Committee

Meeting Minutes

May 4, 2007

Meeting: General Membership Meeting

Location: City Hall, 1705 Main Street, Daphne, AL

Invitees: Guests: Jennie Vincent, Jodi Klugel

City Liaison: Marshall Parsons, Marjorie Bellue

Members

Chair: Anne Talton (7)	Carolyn Coleman (2)	Thomasena Warner (4)
Vice Chair: Vincent Russo (2)	Dorothy Morrison (2)	Jerry Guillott (4)
Secretary: Toni James (1)	Bea Wilson (2)	Patty Kearney (5)
Trea: Frieda Romanchuk (7)	Judy Sholtis (2)	Dorothy Rankins (5)
Jessica Prater (1)	Nancy Henderson (3)	Audrey Rouier (6)
Marilyn O'Conner Moore (2)	Selena Vaughn (4))	Frances Harrell (1)
		Kay Wineman (7)

Members Absent: Excused Absence – Jerry Guillott, Frances Harrell, Audrey Rouier, - other absences Patty Kearney, Marilyn Moore O'Connor, Kay Wineman

Guests: Cindy Colville, Jodie Klugel

- I. **Call to Order** – The meeting was called to order at 10.04 am by the President, Anne Talton.
- II. **Approval of Minute** – The minutes of the April meeting were approved as distributed by email with one correction – Vincent Russo...minutes should include excused absences per DBC Charter.
- III. **Budget Report** – Frieda Romanchuk, Treasurer, presented the report noting available dollars at \$31.000 at this time. \$30,000. Allotted for capital expenses and \$1,000.00 for operating expenses.

Sub-Committee Reports –

- **Beautification Awards** – Members Jerry Guillott, Patty Kearney, Marilyn O'Connor Moore, Audrey Rouier, Judy Sholtis, Thomasena Werner, Bea Wilson. –Bea Wilson reported beginning September 2007, DBC will make one award per month with a special award for Christmas decorating. There will be a meeting of the Beautification Awards committee on May 22 at 10: Am to be held at Village Point Park. Purpose to set eligibility criteria. Anyone wishing to attend this meeting or joining the committee is welcome. Discussion regarding an awards recognition reception held after 13 awards have been presented and a DBC member from each district present. Committee will need funding to purchase frames for the Monthly Award Certificates. *Update:* Jerry Guillott is housebound due to her recent illness. DBC needs to obtain current information from her regarding the beautification award status.

- **Butterfly Garden**- Members- Co-Chair Dorothy Morrison & Frieda Romanchuk- general members Carolyn Coleman, Jerry Guillott, Toni James, Patty Kearney, Marilyn O'Connor Moore, Vincent Russo, and Anne Talton. Cindy Colville presented an Eagle Scout Project for her son Robert Colville. The project has to be a written plan and requires a number of involved persons to sign off on the plan before the project can begin. The garden designed by Robert was reviewed and approved. Robert Colville will solicit donations, as the plan will take approximately \$2,500.00 if DBC has to purchase all of the materials. Labor hours will be approximately 250-300 hours; Robert will be seeking volunteers to assist him with the implementation of the approved butterfly garden plan.
- Irrigation – Cindy discussed this with Marshall Parsons as the planting is scheduled for June 2007. Marshall Parsons will prepare beds and place irrigation system in place prior to planting. The plan indicates weed cloth and mulch for weed control. DBC can contract Cindy Colville at ccolville@bellsouth.net
- **Old Town Daphne Association** Frieda Romanchuk reported on OTD meeting and submitted minutes to DBC
- **Crape Myrtles** –Due to reduction of labor force this project has been placed on hold.
- **Easter Committee** – Chairperson Anne Talton. – Ref Easter Eggs. Judy Sholtis will contact schools in October to determine their level of Easter Egg decorating interest. Marshall will cut new eggs as a “rainy” day project. Committee members will be called upon to base paint prior to decorating.

IV. **Open Business.**

- **Charter**- Chair, Anne Talton, suggested a procedure be implemented for all DBC elected positions to begin on January 1.st. Dorothy Morrison made a motion, Bea Wilson seconded, motion carried.
- **Substations** Members reviewed the letter sent to Wm. Eady written, at the direction of DBC, by Frieda Romanchuk. Marshall Parsons and Vincent Russo will develop a plan for future landscaping of new Power Stations and submit the plan to the Daphne Planning Committee for review and comment.

VI **New Business**

President Ann Talton advised the DBC that members are responsible for setting up and taking down the tables used for meetings

- **Green Community - Mayor** Smith addressed Committee members and advised that his office had received correspondence from Rose Murphy regarding Daphne being a Green Community. He asked DBC to review the correspondence and pass recommendations to him.
- **Billboards** Frieda Romanchuk advised the discussion regarding the ban on billboards was tabled until May. DBC should be aware there is discussion regarding digital billboards and larger dimension on new billboards being erected. Frieda suggested DBC see what direction the planners are going with this then DBC should adopt a resolution regarding this matter.

- **Public Works Report & Discussion**

- **Marshall Parsons**

Village Point Park reported to the committee his department has planted 4 Magnolia's and 14 Oaks on the North side of I-10. They have plans to plant 6 additional Magnolia's in this area. Some funds will also be used to eliminate "invasive species" Popcorn trees and privet, which will be replaced with landscape friendly plant materials.

Gator Alley - Marshal met with the Butterfly Committee to review a plan for parking in this area. He presented findings to general membership indicating angle parking is planned with a guardrail across the street side of this area to connect the space to the bridge. Dorothy Morrison made a motion to send plan to Public Works Committee for approval of the hard scape, Vincent Russo, seconded, motioned carried.

May Day Park. . Underground electrical for lighting and bathroom facilities have been completed.

Lake Forrest - Update on progress on this project.

Butterfly Irrigation - Daphne Utilities will pay for the irrigation for this project

30-Day Plan - DBC members discussed progress on DBC projects due inadequate City manpower. Marshall reviewed his 30 day plan to include installing the waterline at "Gator Alley", Daphne Sign installations, Planting and maintaining the City of Daphne flowerbeds.

Easter & Mardi Gras Lighting Marjorie Buelle advised she did not purchase LED as previously approved but after further investigation will purchase "commercial" lights instead of the LED lights.

General Discussion

Eagle Scout Project: Dorothy Morrison has one more Eagle Scout looking for a project. She asked members to contact her with any ideas for future DBC projects.

Modification to Beautification Storage Bldg - Nancy Henderson asked that a loft be installed in the storage building for addition storage for City decorations. She noted that a committee would like to organize the inventory. Marshall Parsons indicated he could request Building and Maintenance fulfill this request.

Rose Garden relocation -. DBC discussed relocating the Rose Garden in order to create more visual impact for the City of Daphne. Site placement between the Civic Center brick wall and Highway 98 would be an attractive addition to the North entrance of the City. Visitors to Daphne often drive through Hwy 98 rather than taking Scenic 98 through downtown Daphne. Other possible locations discussed were City Hall, Behind the Library & Malfunction Junction. DBC also discussed the possibility of volunteers picking roses for personal or civic uses as well as deadheading spent roses. Possibly the Master Gardeners on the DBC could organize a committee of volunteers for this project.

Statues- Dorothy Morrison announced to the DBC that Doctor Booth has made previous donations of statues for the City and will consider all requests. Frieda

Romanchuk made a motion for DBC to submit future requests, Nancy Henderson seconded, motion carried.

Mardi Gras committee to meeting at the DBC building May 8th at 9 AM to sew weights on the Mardi Gras flags.

June Agenda - Anne Talton advised members if they would like something specific on the June agenda to please call her in advance of her emailing the agenda to DBC members.

There being no further business the meeting adjourned at 11:47 AM.

Minutes submitted by Toni James, Secretary

Minutes approved by

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**Daphne Public Library Board
May 14, 2007
Meeting Minutes**

In Attendance:

Library Director Tonja Young; Board Members Bill Scully and Cassandra Day; Board Chairman Ernie Seckinger, and Vice Board Chairman Ron Allen; FODL President Karen Kyzar; Foundation Member Jan Blankenhorn.

Call to Order:

After a quorum was established, Board Chairman Ernie Seckinger called the meeting to order at 4:40 pm.

Reading and Approval of the Minutes:

The minutes of the April 9, 2007 meeting were reviewed and approved.

Monthly Statistical Report:

The monthly reports for March and April, 2007 were reviewed. March showed an overall drop of 2.11% in circulation, but an increase of 14.22% in patronage. April showed an increase of 8.79% in circulation and an increase of 2.58% patronage.

Public Participation:

None.

Old Business of the Board:

The Library Board Chair briefly discussed the Library Director's evaluation. There was also discussion of Library Board support and representation at City Council meetings. Mr. Seckinger also discussed the outline of his plans to complete his term in July, 2007.

The Library Director discussed NCDS CEO Howard Benson's request to have a meeting with the Mayor, Library Board and Council to discuss the Feasibility Study. The results of the study will not be released until Howard can meet with these entities and discuss his recommendations for the Library Fundraising project.

Changing the date and time of the Library Board Meeting was discussed since another meeting, the Finance Committee Meeting, is generally held on the same day and near the same time which prevents the Mayor and Council Members from attending Library Board Meetings. Ron Allen made a motion to change the day of the Library Board Meeting from the second Monday of each month to the fourth Monday of each month. The motion was withdrawn following discussion. Ron Allen then made a motion to change the day and time of the Library Board Meeting from 4:30 pm on the second Monday to **5:30 pm on the second Tuesday of the month at least through the month of July**. The motion passed and the next two Library Board Meetings are scheduled for 5:30 pm on **June 12 and July 10**.

New Business of the Board:

Ron Allen brought a copy of the draft by-laws for the Board of Trustees of the Daphne Public Library for review by Board Members and the Director.

The 2008 budget was discussed briefly and the Library Director plans to bring a draft of the budget to the June meeting for Board discussion with the understanding that the final submission will have to be approved by the Mayor and Council.

Bill Scully discussed a putting a coffee kiosk in the Library. Ron Allen still wants to look into the Starbucks idea first.

Ron Allen

Capital Campaign Foundation Committee

The report should be presented within the next week or so. The Library Director is trying to set up a meeting with the Mayor, Board, and Council for Howard Benson to go over the results.

Library Director:

The 2007 "Spring-into-Reading" Children's Festival was a success. Sign-up for Summer Reading Programs will begin shortly and some great events have been planned. Schedules will be presented at the June meeting.

Closing Comments:

Everyone agreed that the Library sorely needs the added space to continue offering a high quality of service to the community, and to continue to add new

services. The Library Director will continue searching for grant opportunities and other funding sources.

Adjourn:

The meeting adjourned at 6:00pm.

Respectfully submitted by Tonja Young, Library Director, May 21, 2007.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

CALL TO ORDER:

The number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:05 p.m.

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Victoria Phelps
DeLeon Thomas
Warren West, Vice Chairman
Jeff Carrico, Chairman
Larry Chason, Secretary
Cathy Barnette, Councilwoman

Members Absent:

Don Terry
Ed Kirby

Staff Present:

William H. Eady, Sr., Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Technician
Adrienne Jones, Planner
Jay Ross, Attorney

Staff Absent:

Missty C. Gray, Associate Attorney

The first order of business is the call to order. Please let the record reflect that Mr. Kirby and Mr. Terry are not present. The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of March 22, 2007 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or further corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Chason **to approve the minutes of the regular meeting. The Motion carried unanimously.**

The first order of business under old business is site plan review for

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

First National Bank.

OLD BUSINESS:

SITE PLAN REVIEW:

File S07-06:

Site: **First National Bank**

Location: Northwest corner of U. S. Highway 98 and Van Avenue
Area: 1.18 Acres +
Owner: Leon Hill
Engineer: Hutchinson, Moore & Rauch - Ray Moore or Joseph
 Asarisi

An introductory presentation was given by Mr. Joe Asarisi, representing Hutchinson, Moore & Rauch, requesting site plan review of a banking facility located Northwest corner of U. S. Highway 98 and Van Avenue. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? Could you please outline the items that you have addressed for the Planning Commission?

Mr. Asarisi: We have added landscaping around the modular building; provided sidewalks, but not on U. S. Highway 98; removed the reference for the proposed future development North of this site, indicated on the site plan that there will be no access to Bass Street with a six-foot privacy fence shown along the street, and storm water detention. The comments on the staff report have been addressed and provided to the Community Development Department. I had addressed the comments at the last meeting, but did not have the corrections in reduced copies for the meeting so it was tabled.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion. A **Motion** was made by Mr. West and **Seconded** by Ms. Barnette **to approve the site plan for the First National Bank. The Motion carried unanimously.**

The next order of business under old business is site plan review for the Value Place Hotel Daphne.

File S06-17:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Site: Value Place Hotel Daphne

Location: In the Northwest corner of the Renaissance
Subdivision, South of Alabama Highway 181 and
Interstate 10, one quarter mile into the Commerce Park
Area: 2.5 Acres +
Owner: Value Place Real Estate Services, Inc.
Engineer: Woolpert, Inc. - Gregory Harnish

An introductory presentation was given by Mr. Greg Harnish, representing Woolpert, Inc., requesting site plan review of a hotel facility located South of Alabama Highway 181 and Interstate 10, one quarter mile into the Commerce Park on Lot 1 of the Renaissance Subdivision. Some of the Planning Commission members were not here, so I would like to rehash some of their concerns we had previously, at the site preview meeting. The first thing is the lift station. It has been eliminated from the site. With the discussion with Woolpert and Danny Lyndall, Operations Manager/Utilities Board of the City of Daphne, the completion of our development should come in time to tie into the master lift station for the development. Secondly, on the detention area we did some calculations and revised the plans to lessen the detention area. Based on the twenty-five year storm event the detention pond would be a one-point nine five-foot depth. Apparently, you had asked us to revisit the dumpster enclosure. It will be a stucco material with a color to match the building's exterior. We have presented, to Mr. Eady, swatches of building colors because we had some questions on that. Some of the comments and questions that had come up at the last site preview meeting have been addressed. One of which was the question of the additional trees on the landscape plan, and we have added in and around the detention area a combination of Birches, Dogwoods, and Azaleas. The neon has been removal from the monument sign. This is one of the requests based on the ordinance per Mr. Kirby. We had added a note to the landscape plan that the detention area will be sodded. I think that we have met all of the requirements of the City of Daphne, with the exception of one and I do want to point out that we have received a letter on the twentieth of this month regarding a pole, a pylon sign along Interstate 10. We respectfully requested to remove that sign from tonight's site plan so that we may move forward with the approval. We will come back to either the Board of Zoning Adjustments or this board to address signage along Interstate 10. If you should have any questions, I will be happy to entertain them. I have with me, Mr. Clements, the representative for the sign company, and Mr. Webb, the representative for Value Place Hotels.

Mr. West: With regard to the pylon sign, you are not asking for approval right now?

Mr. Harnish: That is correct.
Mr. West: Then I am happy, right now.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

Chairman: I am sorry that I was not at the meeting last week. I happened to be on spring break, and I had to be with my children. I have some notes here, on some civil issues, which you have probably answered in your comments to Mr. Eady. I have a letter which is addressed to Mr. Eady by Greg Harnish, which is you.

Mr. Harnish: Instead of addressing individual letters to Ashley and Danny, we chose to write one letter to Mr. Eady with copies to them to address the comments that way it is a matter of record that we responded.

Chairman: Can you clarify your comments for me?

Mr. Harnish: With Ashley Campbell's comments?

Mr. Harnish: It was brought to our attention and Ashley pointed it out which is correct. The contractor who is building Frederick Boulevard, I do not want to use specific words, but took the liberty to do the site clearing. What has happened is that it was our intent, when we first initiated this project back in December to conduct, at Mr. Eady's request, a tree survey to save some of the hardwoods and incorporate them into the site plan. We did the survey and then made some modifications to incorporate them when we learned that they were cleared by the site contractor, which does not represent Value Place.

Chairman: What size trees were taken out? Do you know?

Mr. Harnish: Without looking at the tree survey I could not answer that.

Chairman: Would you try to incorporate those back into the new landscape plan?

Mr. Harnish: The trees that were removed were located mostly on the Southern portion of the property. There were some Oak trees which we were going to try to utilize them. Because they were removed, we come back and added some Birch trees along the detention area, because it was our goal for it to not look like a mud hole. We have also added a couple of Dogwoods to make it look more unlike a detention area.

Chairman: There have not been a whole lot of projects where we have had the detention pond along the drive way as you come in.

Mr. Harnish: Well, Commissioner since you were not here last time. I did make the trip early to meet with Mr. Eady so that he could point out some places in the area that I could visit to the Northeast, Northwest, and in the Southwest corner of the intersection of Interstate 10 and U. S. Highway 90. What we are presenting is not nearly what these other properties have done.

Mr. Harnish: Based on the twenty-five-year storm event the detention pond would be a one-point nine five-foot depth with a slope of four-to-one.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Chairman: Are all of these provisions shown on your plans? Do any of the Commissioners have any questions or comments?

Ms. Phelps: Yes. I have a few. Are you familiar with this document here which was forwarded to us through email from your group to all of the Planning Commission members? I have been thinking hard about this project since we saw it. Based in this document here, it makes me inclined to think that your project may not fit the definitions we have for its use. This document which was sent to us from your group indicates that the types of clientele for your hotel, Value Place, are contractors, business consultants, business owners, relocating to this area, or building a home. That indicated to me that you are talking about a long term stay. That is what your facility is designed to do. I believe the minimum stay reported here is one week. Based on our definitions in our Land Use and Development Ordinance under our definition for a hotel, definition no. eighty-nine (89) "a transient commercial lodging establishment consisting of one or more buildings used for this purpose, including accessory uses such as eating and drinking facilities, recreation facilities and parking. This category includes motels and motor hotels. Lodgings may consist of sleeping rooms only or may include cooking facilities also, but are not intended for long-term occupancy. Now no. sixty-one (61) in our ordinance by definition describes a dwelling or dwelling Unit, any building, portion thereof, or other enclosed space or area used as or intended for use as the home of one family, with separate cooking and housekeeping facilities, either permanently or temporarily." Then it is broken down into several sections and if you go to section c, it says, multiple family - a building designed for or occupied by three (3) or more families, with separate cooking and housekeeping facilities for each. Based on what you have submitted, each one of your units has cooking and laundry facilities on premises. It appears that your units are intended for long term occupancy not as short term occupancy as a hotel, as described in our land use and development ordinance.

Mr. Harnish: I have Shannon Webb the representative here to address those issues. He can address the questions and concerns that you may have.

Ms. Phelps: Based on this, a long-term occupancy facility is more of a residential type facility which equates to an R-4, High Density Multi-Family, zoning not B-2, General Business, zoning which is in place now.

Mr. Webb: I do not know what to say, other than it is a minimum weekly stay. It is a short term stay hotel. It is intended for the traveler such as from an insurance company, during a catastrophic event so that they have a place to stay for an extended period of time.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 26, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Ms. Phelps: I did find this to be a little disingenuous because your facility is advertised at two hundred and nine dollars (\$209) per week and compared to the Marriott's Residency Inn. This is what your document does.

Mr. Webb: It is in no way compared to Marriott's Residency Inn. The gentleman that owns Value Place is the same gentleman that started Residence Inn. It is an international inn. He is bringing the same product that he did before with the other three chains. It is not the same product, but it is the same business cooperative.

Ms. Phelps: It is not the same product. This is not Residence Inn. It is not by any stretch.

Mr. Webb: Let me explain the difference.

Ms. Phelps: It is the residence based on the definitions of the city ordinance.

Ms. Barnette: Mr. Chairman, if I could make a comment. I think the question is this is in a B-2, General Business, zone and is a residential use. That is the problem.

Mr. Webb: It is not.

Ms. Barnette: Well it is. Unfortunately, everything that you have sent to us talks about moving dates and long-term stays, and the fact that it does not say when you check in, but rather it says when you move in. These are apartments with the minimum of one week and for however long you stay, so it is catered to a long-term stay. This is not a problem in the City of Daphne, except you are using a hotel as a model in a B-2 zone, but when you add in the cooking and laundry facilities it is an apartment. A short term stay apartment, but it is still an apartment.

Mr. Webb: That is not what we are trying to accomplish here. The price is there for people in for a short period of time. If that time frame is two or three weeks, then we are providing that product.

Ms. Phelps: But is it possible that someone could stay in this facility for one month, for around eight hundred dollars. To me this is not the solution to "affordable housing" in Daphne and that is possibly what it could turn into. It does not fit the criteria for B-2 zoning; however, it does fit the criteria for R-4 zoning and may be placed in another area of Daphne, but not there.

Chairman: Do any of the Commissioners have any further questions or comments? Your comments are well noted. In the ordinance it does appear that long-term occupancy is multi-family.

Ms. Barnette: Another note. None of these rooms appear to be designed

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for a one night stay. It indicates a move in stay with a minimum of one week. Where is the short term use or where is the hotel?

Ms. Phelps: I may have missed it, but I did not see a lighting plan or a loading zone area which I believe is also required. There are exactly one hundred and twenty-one parking spaces and no area for a loading zone.

Mr. West: What do we have to do? We have been through this and we have been asked to approve this and now we found it that it may not be zoned right. What is your opinion on it? Mr. Eady is this correct or is this a violation of the ordinance.

Mr. Eady: I do not have an opinion on it. Talk to the lawyer over here.

Chairman: Thank you, Mr. Eady. Do any of the Commissioners have any further questions or comments?

Mr. Chason: I would like to hear what Mr. Ross's opinion is.

Mayor Small: I would too, Mr. Chairman.

Mr. Ross: I have just heard this discussion tonight. If you can please give me a few minutes to reflect on some of the comments, I am just reading what definition no. eighty-nine (89) is. It also occurs to me without having thought through we have recently passed something that may be considered a long-term stay hotel next to Hilton Garden Inn. I do not know that is different, and I do not know it is not the same. I am wondering how that comes up to analysis to this. It is hard to give an opinion based on the information that I have been given.

Chairman: Thank you, Mr. Ross. Do any of the Commissioners have any further questions or comments?

Mayor Small: Just one, Mr. Chairman. How many times has this been before us?

Chairman: This is the second time.

Mayor Small: This is the second time and we had not noticed this before now.

Ms. Barnette: The second time it was pulled before the meeting.

Mayor Small: I apologize that I was not at the work session, but we did not notice this to give an indication to the developer. If I may, can I address the representative or the engineer for the hotel.

Chairman: Yes you may, Mayor.

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Mayor Small: Do you have a single night day? Can I go over there and get a room for one night and stay there for one night with no problem?

Mr. Webb: Yes, you can.

Mayor Small: I can stay there for one night and leave the next day with no problem. I can call and reserve a room for a night.

Mr. Webb: You can, but you will have to pay for one week.

Chairman: Was that a satisfactory answer?

Mayor Small: It was a shocking answer.

Chairman: You can stay for one night, but you must pay for one week. You can stay for five nights, but you will pay for one week. The Chair would like to recognize Councilman Gus Palumbo. I believe you are here tonight to address this project. He opened the floor to public participation.

Councilman Palumbo: I will be brief, thank you. I was recently notified by some constituents in my district in which this project lies. I represent the Northern edge of Lake Forest Subdivision, Historic Malbis Subdivision, and of course, TimberCreek Subdivision citizens with regard to the project. I have not seen the plans, but I did go to the website and looked at every page that I could find. The word hotel or motel does not appear. What does appear on the very first page is it does say Value Place is a short term residential product and later it says an extended stay lodging and furnished apartment. I do not think that a hotel has a full size refrigerator. The page shows a picture of the unit with a full size refrigerator and freezer. It also does not show a registration date, but rather a move in and move out date. I called three locations which are listed on the website, and I was told that there is a one week minimum stay. Certainly you can stay less, but you pay for one week. This is not a hotel, in my opinion, according to the definition in our Land Use and Development Ordinance. I think that this would require a zoning change. There are some other things in here that are not common to traditional hotels for example: laundry facilities, cookware, tableware, utensils, and a gas burning stove. It lists the number of people which are allowed in each unit and in some cases it is four adults and two children. Technically a hotel does not allow you to have that many people in there.

Councilman Palumbo: This amounts to a low end cost, in my opinion. I would urge the Planning Commission to look strongly at this as you decide as to whether or not you allow this company to locate in this area without a zoning change. With having said that, I believe you that it is two hundred and nine dollars per week, but in this photograph of the founder of the hotel it says one hundred and forty-nine per week. I want to thank all of you for the time that you give

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to the Planning Commission. I learned a long time ago the most precious gift that you can give is your time and you certainly give to the city. On behalf of myself, I am sure that I speak for the City Council, I just want to thank you.

Chairman: Thank you.

Mr. Chason: Mr. Eady in the book what does it say under the Table of Permitted Uses for apartments in a B-2 zone.

Mr. Eady: Apartments cannot go in a B-2 zone.

Mr. Chason: They cannot go there, thank you.

Chairman: Do any of the Commissioners have any further questions or comments? He closed public participation. If there is no objection, the Chair will entertain a motion.

Mr. Lawson, the President of the Lake Forest Property Owners' Association: I wonder if I could make a very brief comment.

The Chairman opened the floor to public participation.

Mr. Lawson: My name is Henry Lawson and I am a resident of Lake Forest Subdivision. I am on the board and the architectural committee. I would like to share with you about the experience that we have in Lake Forest with people that come in. One of the things I see about this project is that it is for families which are relocating and construction workers. We know right away that those people have more than one automobile and on their plan they only have one parking space per unit. I would like to tell you about our experience which we have taken to Code Enforcement and Law Enforcement bodies requesting an ordinance to limit the type of residence that can be used to house multiple families because of this type of thing. It was deemed to be unenforceable even though other communities within our area are seriously considering this very option. Mr. Lawson: This type of ordinance does exist in the State of Alabama. This is an issue which plagues Lake Forest and we are trying to deal with it. Even with covenants it is a very difficult issue. We have people that are moving out of Lake Forest simply because of the people that are renting houses and moving in there. We have four, five, six, seven or eight men living in one house for one week, two weeks, or maybe a month and moving out too only be replaced by another group.

Mr. Lawson: I would ask you to look beyond what this is. I do appreciate all the work that you do, but I also think this could be a crown jewel. Are we going to wipe this area with a substandard housing unit or are we going to demand a quality product? I thank you for your time, and I also thank you very much for the effort.

Chairman: Do any of the Commissioners have any further questions or comments? He closed public participation. If there is no objection,

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the Chair will entertain a favorable or unfavorable motion for this project.

A **Motion** was made by Ms. Barnette and **Seconded** by Ms. Phelps **to deny the site plan for the Value Place Hotel Daphne due to the incompatibility of this use with the B-2, General Business zoning district.**

Upon roll call vote, the Motion carried.

Mayor Small	Nay
Ms. Phelps	Aye
Mr. Thomas Aye	
Mr. West	Aye
Mr. Carrico	Aye
Mr. Chason Aye	
Ms. Barnette	Aye

The first order of business under new business is site plan review for Lots 23 & 24, Austin Place Commercial Park, Phase Three.

NEW BUSINESS:

SITE PLAN REVIEW:

File S07-11:

Site:	Lots 23 & 24, Austin Place Commercial Park, Phase Three
Location:	Rand Avenue
Area:	1 Acre +
Owner:	Langenbach Construction Company, Inc. - Johnny Langenbach
Engineer:	Rester & Coleman - Andy Bobe

An introductory presentation was given by Mr. Andy Bobe, representing Rester & Coleman Engineers, requesting site plan review for an office/storage facility located on Rand Avenue. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Ms. Phelps **to approve the site plan for Lots 23 & 24, Austin Place Commercial Park, Phase Three. The Motion carried unanimously.**

The next order of business is site plan review for Los Tres Amigos (Don Carlos Mexican Restaurant).

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File S07-10:

Site: Los Tres Amigos
(Name Changed to Don Carlos Mexican Restaurant)

Location: The intersection of Alabama Highway 181 and U. S. Highway 90, Eastern Shore Park Subdivision

Area: 1.58 Acres +

Owner: Bertha Properties, Inc. - Ruben Gimenez

Engineer: Frank Dagley & Associates - Frank Dagley or Patrick Tolbert

An introductory presentation was given by Mr. Frank Dagley, representing Frank Dagley & Associates, requesting site plan review of a restaurant facility located at the intersection of Alabama Highway 181 and U. S. Highway 90 in the Eastern Shore Park Subdivision. We have addressed all of the comments and located a construction entrance on the site. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? The street near these area needs to remain clean because we seem to have a problem with that in this area.

Mr. Dagley: Yes sir.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Ms. Phelps **to approve the site plan for Los Tres Amigos (Don Carlos Mexican Restaurant). The Motion carried unanimously.**

The next order of business is site plan review for Top of the Bay.

File S07-09:

Site: Top of the Bay

Location: On U. S. Highway 98

Area: 1.54 Acres +

Owner: Valai Marino

Agent: George Duffy

Engineer: Engineering Development Services - David Diehl

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An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting site plan review for a lounge/bar facility located on U. S. Highway 98. Upon applying for a building permit for the renovation of the facility from a restaurant to a lounge, the applicant was told that he must come into compliance with the City of Daphne Land Use and Development Ordinance with regard to landscaping, parking, and signage. The site plan is representative of his plans to comply with that request.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small **to approve the site plan for the Top of the Bay. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Lambco Thee Tree House Subdivision, the Resubdivision of Lots 160 & 161, Whispering Pines Subdivision.

PRELIMINARY/FINAL PLAT REVIEW:

File SDPF07-04:

Subdivision: Lambco Thee Tree House
(The Resubdivision of Lots 160 & 161, Whispering Pines Subdivision)

Location: Camellia Court
Area: 1.16 Acres +, (1) lots
Owner: Wayne Lambert
Engineer: Moore Surveying - Seth Moore

An introductory presentation was given by Mr. Seth Moore, representing Moore Surveying, requesting preliminary/final plat review of a one-point one-six acre subdivision consisting of one lot located on Camellia Court. This is actually dividing two lots into one. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any further questions or comments? He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. West and **Seconded** by Ms. Barnette **to approve the preliminary/final plat for Lambco Thee Tree House Subdivision, the Resubdivision of Lots 160 & 161, Whispering Pines Subdivision. The Motion carried unanimously.**

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The next order of business is preliminary/final plat review for the Resubdivision of Lots 98 & 99, Lake Forest Subdivision, Unit 14.

File SDPF07-05:

Subdivision: **The Resubdivision of Lots 98 & 99, Lake Forest Subdivision, Unit 14**

Location: Broadmoor Drive
Area: 0.513 Acres +, (1) lots
Owner: Ronald & Evelyn Simon
Engineer: GeoSurveying - Matt Kountz

An introductory presentation was given by Mr. Matt Kountz, representing Geo Surveying, requesting preliminary/final plat review of a one-half acre subdivision consisting of one lot located on Broadmoor Drive. This is pretty the same as the last one that you have. We want to combine these two lots into a single parcel. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any further questions or comments? He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Ms. Phelps **to approve the preliminary/final plat for the Resubdivision of Lots 98 & 99, Lake Forest Subdivision, Unit 14. The Motion carried unanimously.**

The next order of business is an administrative review of the proposed sanitary sewer improvements along U.S. Highway 90.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Ms. Melinda Immel, Volkert & Associates, Inc., outlining the specifications and the location of the installation of the proposed sanitary sewer improvements along U.S. Highway 90.

Ms. Immmel: The eastern most portion of the route will begin at a connection along the North side of U. S. Highway 90 near Lowe's. A gravity line and a force main are being considered. This sewer main would travel in an easement parallel to the North right-of-way of U. S. Highway 90 to the East of County Road 13. From that point, a force main will continue along the North side of U.S. Highway 90 near the infirmary hospital turn North and connect to a force main which is referred to as the TimberCreek force main. The project has been presented to the City Council for approval and is scheduled to go out for bid.

A **Motion** was made by Mr. West and **Seconded** by Ms. Barnette **for the affirmative recommendation by the Planning Commission to the City**

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Council of Daphne of the proposed sanitary sewer improvements along U.S. Highway 90 North to Interstate 10. The Motion carried unanimously.

The next order of business is an administrative review for the Fresh Market.

An introductory presentation was given by Mr. Eady, the Director of Community Development, of a proposed land swap with the City of Daphne in the Jubilee Square Shopping Center, U.S. Highway 90, in order to construct the Fresh Market. The portion of the building where Fire House Subs and the ice cream shop are located will be demolished and relocated within the shopping center. The land swap has been approved by the City Council and the amended plat for the subdivision will be presented next month.

A **Motion** was made by Mr. West and **Seconded** by Ms. Barnette **to approve the proposed land swap with the City of Daphne in the Jubilee Square Shopping Center in order to construct the Fresh Market. The Motion carried unanimously.**

The next order of business is an administrative review for the extraterritorial planning jurisdiction.

An introductory presentation was given by Mr. Eady, Director of Community Development, of the proposed revision to the extraterritorial planning jurisdiction agreement between the City of Daphne and Baldwin County. The lighter boundary is the original jurisdiction from 1991. The only portion of the jurisdiction which changed is the relinquishment of the portion North of Interstate 10. We are asking for a recommendation to the City Council to adopt a resolution to put the new description and map into place.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Chason **for the affirmative recommendation by the Planning Commission to the City Council of Daphne of the proposed revision to the extraterritorial planning jurisdiction agreement between the City of Daphne and Baldwin County.**

Upon roll call vote, the Motion carried.

Mayor Small	Aye
Ms. Phelps	Aye
Mr. Thomas	Aye
Mr. West	Aye

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Mr. Carrico Aye
Mr. Chason Aye
Ms. Barnette Aye

The next order of business is an administrative review for the proposed annexation along the Alabama Highway 181 corridor.

An introductory presentation was given by Mr. Eady, Director of Community Development, regarding the annexation for the City of Daphne proposed by legislative act for the corridor for Alabama Highway 181. Once the annexation is taken to the Planning Commission, City Council, it will be sent to the legislature, presented to the Governor to sign, and presented to the people to vote for the annexation.

The next order of business is an administrative review for the Yancey Branch Restoration Proposal.

An introductory presentation was given by Mr. Scott Hutchinson, representing Hutchinson, Moore & Rauch, for the Yancey Branch Restoration Proposal. Issues have emerged with the Corps of Engineers and the fact that Yancey Branch is not in compliance. The plan would be to receive funding to rehabilitat the branch to address the present erosion control problem.

The next order of business is the attorney's report.

ATTORNEY'S REPORT:

Mr. Ross, attorney, commented: On the correspondence received from the Potter's Mill Property Owners' Association with regard to the Single Malt, L.L.C. development Via Dolorosa. The correspondence asks for response from the City of Daphne for the noncompliance of the developer/owner of the subdivision with the approval given by the Planning Commission for the preliminary plat and the agreement to clean out the detention pond for Potter's Mill. At this point the pending litigation does not involve the City of Daphne.

Mr. Ross: The only parties involved are the Potter's Mill Property Owners' Association and Single Malt, L.L.C. I am researching the status of the compliance with the Planning Commission approval that accompanied the plat with regard to the cleaning of the detention pond. I am encouraging the parties to attempt to resolve the issue outside of court. To date, the court has not set a court date to allow this to happen. A resolution will obviously need to occur prior to final submittal of the plat to this Board.

ADJOURNMENT:

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion to

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adjourn.

A **Motion** was made and **Seconded to adjourn. The Motion carried unanimously.**

There being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted by:

Jan Dickson, Planning Coordinator

APPROVED: June 28, 2007

Jeff Carrico, Chairman

SET PUBLIC HEARING DATE

FOR

JULY 2, 2007

- a.) Rezoning of Big Sandy, LLC / Property located
SE of the intersection of Johnson Road and US Hwy 98 / 1st
Parcel From R-2, Medium Density Single
Family Residential District to B-2, General Business District / 2nd
Parcel from R-4, High Density Single
Family and Multi-Family Residential District

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Big Sandy, L.L.C. - Zoning
Amendment

MEMORANDUM

Date: May 29, 2007

At the regular meeting of the City of Daphne Planning Commission on May 24, 2007, seven members were present and the motion carried for the affirmative recommendation of the above-mentioned ordinance.

Upon receipt thereof, please prepare an ordinance for placement on the agenda in order to set a public hearing and for subsequent action by the City Council.

Please be aware that the legal description is for two parcels (see agenda). The larger parcel is R-2 and the smaller parcel is R-4. The applicant is asking for B-2.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file

TO: FRED SMALL, MAYOR RICHARD MERCHANT, BUILDING OFFICIAL
CC: ROB MCELROY, UTILITIES BOARD CHIP MARTIN, FIRE MARSHAL

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 24, 2007 - 6:00 P.M. FINAL
COUNCIL CHAMBERS, CITY HALL

D. PETITIONS:

ZONING AMENDMENT REVIEW:

1. **File Z07-05: Big Sandy, L.L.C. (APPROVED)**

Location: Southeast of the intersection of Johnson Road and U. S.
Highway 98
Area: 19.02 Acres \pm and 0.83 Acres \pm , respectively
Owner: Big Sandy, L.L.C.

(Large Parcel)	Present Zoning: R-2	Proposed Zoning: B-2
(Small Parcel)	Present Zoning: R-4	Proposed Zoning: B-2

E. ADMINISTRATIVE PRESENTATION:

1. **Presentation to be given by Ms. Ashley Campbell, Site Containment Officer, of a proposed revision to the City of Daphne Land Use and Development Ordinance for storm water detention basin maintenance. (APPROVED)**
2. **Presentation to be given by Mr. Christopher Baker, representing Hutchinson, Moore & Rauch, requesting Revised Master Plan approval for the Medical Office and Cancer Center.(APPROVED, GIVEN REVISED SITE PLAN APPROVAL).**

6. ATTORNEY'S REPORT

7. ADJOURNMENT

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

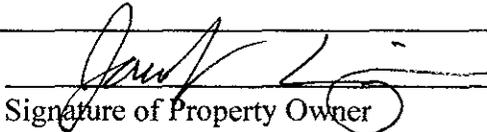
- a) Address N/A
- b) Name of Subdivision N/A
- c) Lot numbers involved in change N/A
- d) Total acreage of change 19.85 Acres
- e) Instrument # 949379 and 949380
- f) Owned in whole by the undersigned? whole
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property R-2 / R-4
- b) Reclassification desired B2
- c) Character of neighborhood B-2, R-4, R-2, and R-1

3) Certifications:

- a) Owner's Name BIG SANDY LLC
- b) Address P O BOX 1040 MAGNOLIA
SPRINGS 36555
- c) Telephone Number 251-988-1997
- d) Date April 19, 2007



Signature of Property Owner

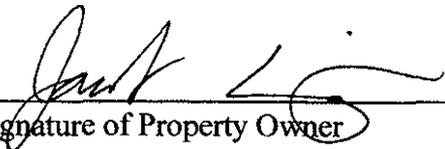
Signature of Property Owner

AGREEMENT

...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

April, 19, 2007
Date


Signature of Property Owner

BIG SANDY, L.L.C.
ZONING AMENDMENT
EXHIBIT "A"
LEGAL DESCRIPTION
(PROPERTY 19.85 AC)

PARCEL 1:

COMMENCE AT A RAILROAD SPIKE MARKER AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHEN'S MERIDIAN AND RUN THENCE SOUTH 00 DEGREES 59 MINUTES 02 SECONDS EAST, A DISTANCE OF 739.72 FEET; THENCE RUN SOUTH 89 DEGREES 15 MINUTES 58 SECONDS EAST, A DISTANCE OF 14.68 FEET TO A 5/8" CAPPED IRON PIN MARKER ON THE EAST MARGIN OF DAPHMONT UNIT NO. ONE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 5, PAGE 7, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, FOR A POINT OF BEGINNING; THENCE RUN SOUTH 01 DEGREES 14 MINUTES 38 SECONDS EAST, ALONG SAID DAPHMONT UNIT NO. ONE SUBDIVISION, A DISTANCE OF 418.00 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 54 DEGREES 05 MINUTES 59 SECONDS WEST, A DISTANCE OF 477.50 FEET TO A 3"X3" CONCRETE MONUMENT; THENCE RUN SOUTH 88 DEGREES 13 MINUTES 58 SECONDS WEST, A DISTANCE OF 680.42 FEET TO A CONCRETE MONUMENT; THENCE RUN NORTH 00 DEGREES 07 MINUTES 00 SECONDS WEST, A DISTANCE OF 820.70 FEET TO AN IRON PIN MARKER; THENCE RUN NORTH 89 DEGREES 17 MINUTES 59 SECONDS EAST, A DISTANCE OF 223.56 FEET TO A 4"X4" CONCRETE MONUMENT; THENCE RUN NORTH 00 DEGREES 29 MINUTES 22 SECONDS WEST, A DISTANCE OF 210.65 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN NORTH 89 DEGREES 31 MINUTES 17 SECONDS EAST, A DISTANCE OF 220.90 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 01 DEGREES 07 MINUTES 43 SECONDS EAST, A DISTANCE OF 210.00 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN NORTH 89 DEGREES 31 MINUTES 17 SECONDS EAST, A DISTANCE OF 354.00 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 01 DEGREES 07 MINUTES 43 SECONDS EAST, A DISTANCE OF 106.77 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 89 DEGREES 15 MINUTES 58 SECONDS EAST, A DISTANCE OF 256.65 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 19.02 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

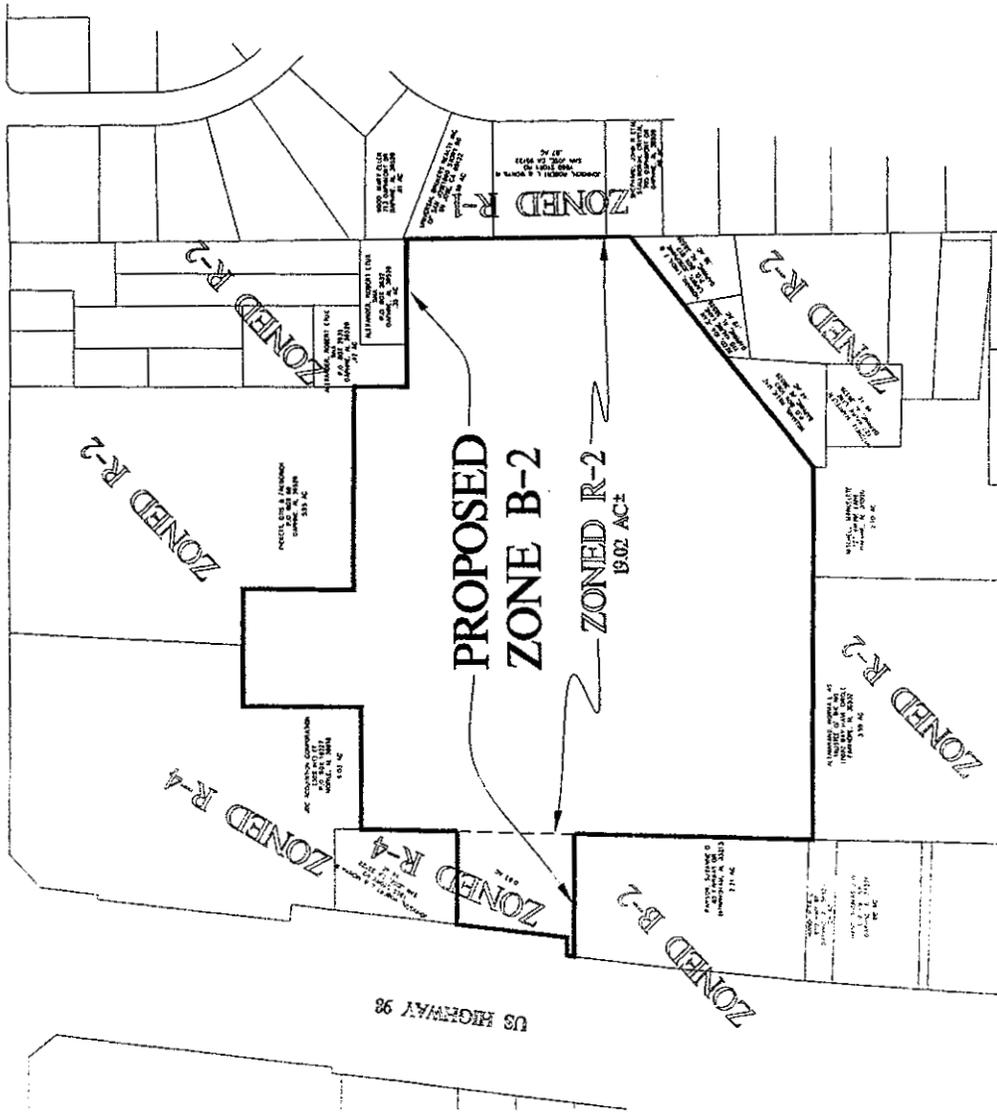
PARCEL 2:

COMMENCE AT A RAILROAD SPIKE MARKER AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHEN'S MERIDIAN AND RUN THENCE SOUTH 00 DEGREES 59 MINUTES 02 SECONDS EAST, A DISTANCE OF 739.72 FEET; THENCE RUN SOUTH 89 DEGREES 15 MINUTES 58 SECONDS EAST, A DISTANCE OF 14.68 FEET TO A 5/8" CAPPED IRON PIN MARKER ON THE EAST MARGIN OF DAPHMONT UNIT NO. ONE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 5, PAGE 7, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 01 DEGREES 14 MINUTES 38 SECONDS EAST, ALONG SAID DAPHMONT UNIT NO. ONE SUBDIVISION, A DISTANCE OF 418.00 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 54 DEGREES 05 MINUTES 59 SECONDS WEST, A DISTANCE OF 477.50 FEET TO A 3"X3" CONCRETE MONUMENT; THENCE RUN SOUTH 88 DEGREES 13 MINUTES 58 SECONDS WEST, A DISTANCE OF 680.42 FEET TO A CONCRETE MONUMENT; THENCE RUN NORTH 00 DEGREES 07 MINUTES 00 SECONDS WEST, A DISTANCE OF 403.31 FEET TO A 3/4" CRIMP TOP IRON PIPE MARKER FOR A POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 17 MINUTES 47 SECONDS WEST, A DISTANCE OF 210.89 FEET TO A 3/4" CRIMP TOP IRON PIPE MARKER ON THE EAST RIGHT-OF-

September 10, 1994

WAY OF U.S. HIGHWAY NO. 98; THENCE RUN NORTH 05 DEGREES 39 MINUTES 46 SECONDS EAST, A DISTANCE OF 12.01 FEET TO A 6"X6" CONCRETE RIGHT-OF-WAY MONUMENT ON THE EAST RIGHT-OF-WAY OF SAID U.S. HIGHWAY NO. 98; THENCE RUN NORTH 89 DEGREES 35 MINUTES 44 SECONDS EAST, A DISTANCE OF 30.00 FEET TO A 5/8" CAPPED IRON PIN MARKER ON SAID RIGHT-OF-WAY; THENCE RUN NORTH 05 DEGREES 24 MINUTES 18 SECONDS EAST, A DISTANCE OF 199.72 FEET TO A 3/4" CRIMP TOP IRON PIPE MARKER ON SAID RIGHT-OF-WAY; THENCE RUN NORTH 89 DEGREES 55 MINUTES 06 SECONDS EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 160.46 FEET TO A 1/2" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 00 SECONDS EAST, A DISTANCE OF 208.63 FEET TO THE POINT OF BEGINNING. SUBJECT TO A 60 FOOT STATE HIGHWAY DEPARTMENT DRAINAGE EASEMENT. TRACT CONTAINS 0.83 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

BIG SANDY PROPERTY



REZONING SKETCH TO ACCOMPANY DESCRIPTION EXHIBIT "B"

ENGINEERING DEVELOPMENT SERVICES, LLC
 Engineering • Planning • Surveying • Construction Management
 2124 Pollock Road • Republic, Arkansas 72586
 Phone: (501) 982-3222 • Fax: (501) 982-3223

BIG SANDY ADJACENT PROPERTY OWNER'S LIST

**POWE, ADELL
P O BOX 204
DAPHNE, AL 36526**

**BROWN, MATTIE SUE
P O BOX 473
DAPHNE, AL 36526**

**RUDOLPH, AMOS
ANNIE LEE RUDOLPH
701 DAPHMONT DRIVE
DAPHNE, AL 36526**

**SAPPINGTON, DEIDRE J
1301 OAK STREET
DAPHNE, AL 36526**

**HOBBS, MICHAEL
706 DAPHMONT DRIVE
DAPHNE, AL 36526**

**SHEPARD, JOHN R ETAL
STALLWORTH, CRYSTAL
705 DAPHMONT DRIVE
DAPHNE, AL 36526**

**JOHNSON, JAMES JR
JOHNSON, NORA L
142 ORANGE STREET
ENGLEWOOD, NJ 07631**

**JOHNSON, ROBERT L
MONYA R JOHNSON
1960 STORY ROAD
SAN JOSE, CA 95122**

**RUDOLPH, EDDIE CHARLES
710 DAPHMONT DRIVE
DAPHNE, AL 36526**

**RUDOLPH, CHARLIE & ALMA
P O BOX 864
DAPHNE, AL 36526**

**UNIVERSAL BROKERS
RALTY INC OF SAN JOSE
1960 STORY ROAD
SAN JOSE, CA 95122**

**WOOD, MARY ELLEN
713 DAPHMONT DRIVE
DAPHNE, AL 36526**

**LEWIS, WILLIS O
LEWIS, MARJORIE Y
P O BOX 309
DAPHNE, AL 36526**

**CITY OF DAPHNE
P O BOX 2550
DAPHNE, AL 36526**

**HARPER, ABE JR
1204 WARREN DRIVE
DAPHNE, AL 36526**

**WHITE, WILLIAM THOMAS
113 GREEN ALLEY
MOBILE, AL 36610**

**BIG SANDY
ADJACENT PROPERTY OWNER'S LIST**

**THOMPSON, R T &
STURTEVANT, JANE
P O BOX 746
DAPHNE, AL 36526**

**WRIGHT, LUCIUS W
WRIGHT, ELIZABETH
1112 JOHNSON ROAD
DAPHNE, AL 36526**

**ALEXANDER, ROBERT ETUX
ALEXANDER, TINA
P O BOX 2632
DAPHNE, AL 36526**

**WILLIAMS, BENNIE MF/K/A
BUCHANAN, BENNI
C/O HANKINS, TRINA
P O BOX 596
FAIRHOPE, AL 36532**

**ENTERPIRSES OF WBB INC
24674 US HWY 98
DAPHNE, AL 36526**

**OVERY, VINCENT A ETUX
LYNN M OVERY
10750 McKENZIE ROAD
FAIRHOPE, AL 36532**

**MOSLEY'S LLC
2012 WOODMILLCREST DR
MOBILE, AL 36609**

**JOHNSON, ROBERT L
ETUX MONYA M JOHNSON
1960 STORY ROAD
SAN JOSE, CA 95122**

**WALKER MATTHEW B JR
11650 JEFF HAMILTON ROAD
MOBILE, AL 36695**

**PARSON, SUZANNE D
85 FAIRWAY DRIVE
BIRMINGHAM, AL 35213**

**HAND, RITA L
602 HWY 98
DAPHNE, AL 36526**

**HAND, THOMAS J IV
602 HWY 98
DAPHNE, AL 36526**

**HAND, THOMAS J IV ETAL
HAND, RITA L
602 HWY 98
DAPHNE, AL 36526**

**ALTAMIRANO, NORMA L
AS TRUSTEE OF THE NO
10082 BAY HAVEN CIRCLE
FAIRHOPE, AL 36532**

**BIG SANDY
ADJACENT PROPERTY OWNER'S LIST**

**MITCHELL, MICHAEL
127 VALRIE LANE
DAPHNE, AL 36526**

**BROWN, ERNEST S
C/O SYLVIA BROWN
P O BOX 3165
DAPHNE, AL 36526**

**HARRIS, SHIRLEY ETAL
HARRIS, YOLANDA
5927 WESTHAVEN DRIVE
MOBILE, AL 36608**

**MITCHELL, MARCELETE
127 VALRIE LANE
DAPHNE, AL 36526**

**WILLIAMS, WILLIE MAE
P O BOX 1065
DAPHNE, AL 36526**

**REED, IDA JEAN
110 VALRIE LAND
DAPHNE, AL 36526**

**HOWARD, LIKND A F
LARRY, JOSEPHINE
P O BOX 817
DAPHNE, AL 36526**

**VALRIE, OLIVETTE
C/O ANDRE MCCONICO
113 VALRIE LANE
DAPHNE, AL 36526**

**WRIGHT, ELIZABETH
1112 JOHNSON RD
DAPHNE , AL 36526**

**ALEXANDER, ROBERT ETUX TINA
P O BOX 2632
DAPHNE , AL 36526**

**PICKETT, OTIS & FREDERICK
P O BOX 69
DAPHNE , AL 36526**

**JDC ACQUISITION CORPORATION
(30% INT) ET
P O BOX 16227
MOBILE , AL 36616**

**BIG SANDY L L C
P O BOX 1040
MAGNOLIA SPRINGS, AL 36555**

ORDINANCE NO. 2007 -

**Ordinance to Rezone Property Located on Southeast Corner of the intersection of
Johnson Road and U.S. Highway 98 (19.85 Acres)
Big Sandy, L.L.C.**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-2, Medium Density Single Family Residential District and R-4 High Density Multi Family Residential District, to B-2, General Business District, to said property is located on Southeast of the intersection of Johnson Road and U.S. Highway 98, Alabama, being more particularly described as follows:

Legal Description:

(PROPERTY 19.85 AC)

PARCEL 1:

COMMENCE AT A RAILROAD SPIKE MARKER AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHEN'S MERIDIAN AND RUN THENCE SOUTH 00 DEGREES 59 MINUTES 02 SECONDS EAST, A DISTANCE OF 739.72 FEET; THENCE RUN SOUTH 89 DEGREES 15 MINUTES 58 SECONDS EAST, A DISTANCE OF 14.68 FEET TO A 5/8" CAPPED IRON PIN MARKER ON THE EAST MARGIN OF DAPHMONT UNIT NO. ONE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 5, PAGE 7, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, FOR A POINT OF BEGINNING: THENCE RUN SOUTH 01 DEGREES 14 MINUTES 38 SECONDS EAST, ALONG SAID DAPHMONT UNIT NO. ONE SUBDIVISION, A DISTANCE OF 418.00 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 54 DEGREES 05 MINUTES 59 SECONDS WEST, A DISTANCE OF 477.50 FEET TO A 3"X3" CONCRETE MONUMENT; THENCE RUN SOUTH 88 DEGREES 13 MINUTES 58 SECONDS WEST, A DISTANCE OF 680.42 FEET TO A CONCRETE MONUMENT; THENCE RUN NORTH 00 DEGREES 07 MINUTES 00 SECONDS WEST, A DISTANCE OF 820.70 FEET TO AN IRON PIN MARKER; THENCE RUN NORTH 89 DEGREES 17 MINUTES 59 SECONDS EAST, A DISTANCE OF 223.56 FEET TO A 4"X4" CONCRETE MONUMENT; THENCE RUN NORTH 00 DEGREES 29 MINUTES 22 SECONDS WEST, A DISTANCE OF 210.65 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN NORTH 89 DEGREES 31 MINUTES 17 SECONDS EAST, A DISTANCE OF 220.90 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 01 DEGREES 07 MINUTES 43 SECONDS EAST, A DISTANCE OF 210.00 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN NORTH 89 DEGREES 31 MINUTES 17 SECONDS EAST, A DISTANCE OF 354.00 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 01 DEGREES 07 MINUTES 43 SECONDS EAST, A DISTANCE OF 106.77 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 89 DEGREES 15 MINUTES 58 SECONDS EAST, A DISTANCE OF 256.65 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 19.02 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

PARCEL 2:

COMMENCE AT A RAILROAD SPIKE MARKER AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHEN'S MERIDIAN AND RUN THENCE SOUTH 00 DEGREES 59 MINUTES 02 SECONDS EAST, A DISTANCE OF 739.72 FEET; THENCE RUN SOUTH 89 DEGREES 15 MINUTES 58 SECONDS EAST, A DISTANCE OF 14.68 FEET TO A 5/8" CAPPED IRON PIN MARKER ON THE EAST MARGIN OF DAPHMONT UNIT NO. ONE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 5, PAGE 7, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA: THENCE RUN SOUTH 01 DEGREES 14 MINUTES 38 SECONDS EAST, ALONG SAID DAPHMONT UNIT NO. ONE SUBDIVISION, A DISTANCE OF 418.00 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 54 DEGREES 05 MINUTES 59 SECONDS WEST, A DISTANCE OF 477.50 FEET TO A 3"X3" CONCRETE MONUMENT; THENCE RUN SOUTH 88 DEGREES 13 MINUTES 58 SECONDS WEST, A DISTANCE OF 680.42 FEET TO A CONCRETE MONUMENT; THENCE RUN NORTH 00 DEGREES 07 MINUTES 00 SECONDS WEST, A DISTANCE OF 403.31 FEET TO A 3/4" CRIMP TOP IRON PIPE MARKER FOR A POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 17 MINUTES 47 SECONDS WEST, A DISTANCE OF 210.89 FEET TO A 3/4" CRIMP TOP IRON PIPE MARKER ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY NO. 98; THENCE RUN NORTH 05 DEGREES 39 MINUTES 46 SECONDS EAST, A DISTANCE OF 12.01 FEET TO A 6"X6" CONCRETE RIGHT-OF-WAY MONUMENT ON THE EAST RIGHT-

OF-WAY OF SAID U.S. HIGHWAY NO. 98; THENCE RUN NORTH 89 DEGREES 35 MINUTES 44 SECONDS EAST, A DISTANCE OF 30.00 FEET TO A 5/8" CAPPED IRON PIN MARKER ON SAID RIGHT-OF-WAY; THENCE RUN NORTH 05 DEGREES 24 MINUTES 18 SECONDS EAST, A DISTANCE OF 199.72 FEET TO A 3/4" CRIMP TOP IRON PIPE MARKER ON SAID RIGHT-OF-WAY; THENCE RUN NORTH 89 DEGREES 55 MINUTES 06 SECONDS EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 160.46 FEET TO A 1/2" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 00 SECONDS EAST, A DISTANCE OF 208.63 FEET TO THE POINT OF BEGINNING. SUBJECT TO A 60 FOOT STATE HIGHWAY DEPARTMENT DRAINAGE EASEMENT. TRACT CONTAINS 0.83 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, the Planning Commission of the City of Daphne on May 24, 2007 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 2, 2007 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from R-2, Medium Density Single Family Residential District and R-4 High Density Multi-Family Residential District, to B-2, General Business District and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2007.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

City of Daphne Recreation Board Minutes
1705 Main Street
Daphne, AL
May 9, 2007
6:00 p.m.

Members Present: Chairman Ed Nelson, Erick Smith, Kit Smith, Coach Glenn Vickery, John Peterson, Matt Cunningham

Members Absent: Rick Cleveland, Matthew Banfield, Gus Palumbo

Advisory Staff Present: David McKelroy, Director of Recreation, Councilman Greg Burnam,

Others Present: Brandon Adams, Scott Hutchinson, Linda Tipp,

Call to Order

The meeting was called to order by Chairman Ed Nelson at 6:00 p.m.

Review and Approval of Minutes

Minutes from the April 11 meeting were approved. Kit Smith made the motion to approve the minutes and Erick Smith seconded the motion. Motion carried.

Public Participation

Mr. Pat Collins, Ms. Mary Beth Mantiplay

Mr. Joe Warrington was unable to attend the meeting as scheduled. Mr. Pat Collins and Ms. Mary Beth Mantiplay made the Water Park presentation to the Board. Mr. Collins clarified that Mr. Warrington could serve in the role of consultant or tenant in the future water park. They also shared information on the water park at Panama City Beach as an example of a city owned facility.

Old/New Business

1. Welcome New Board Member
Held over until June meeting.
2. Master Plan-New Recreation Complex
 - a. Scott Hutchinson submitted a copy of the Wetlands Resources report on the proposed lake project at the Daphne Sports complex. Scott reported that the permit for the project will cost even more than anticipated and it may be cost prohibitive. (report included in minutes)

- b. Brandon Adams distributed the final drafts of the options for the Tallent property, Trione Sports Complex, and Lott Park. Scott Hutchinson stated that Mr. Eady, City Planning Department, had been given copies of same on May 4, 2007. Chairman Nelson asked the Board members if there was a general consensus that we were ready to present the plans to the City Council. Matt Cunningham made a motion to approve the final drafts of the Tallent property option, two options for Trione Park, and one option for Lott Park to present to the Council on May 21. Erick Smith seconded the motion and the motion carried

3. Land Use Ordinance revision

- a. A committee has been formed to look at the sample Land Use ordinances in order to recommend a revision to the existing Daphne recreation land use ordinance. The committee will consist of John Peterson, Kit Smith, Scott Hutchinson, Chris Baker, David McKelroy, and Linda Tipp. Chris will develop a draft for the committee to review.

4. Uniformity of Park Rules

We will discuss at he next meeting. Chairman Nelson asked that we touch base With David Cohen for further input.

5. Dog Park Rules

Held over until next meeting. Will get more input from several sources.

6. Nicholson Center Utilization

At the April meeting, Chairman Nelson handed out a report on the Nicholson Center and asked all members to review and to look at short term /long term options for the facility. He asked that we defer to those board members who will be assisting David with the budget so that we might align possible options with appropriated budget dollars.

7. Recreation Budget 2008 fiscal year

Chairman Nelson asked Erick Smith and Matt Cunningham to get with Director McKelroy to weigh options for the use of appropriated funds for the 2008 fiscal year.

David will prepare copies of the 2007 budget for perusal by the committee in order for The committee to prepare recommendations and submit to the Recreation Board for Consideration at the July meeting. Coach Vickery will also assist. David will check on Fairhope's budget as a reference.

Adjourn

The meeting adjourned at 7:35 p.m.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CASE NO. 2007-B

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 4/19/07 (initial) Whg
 DATE FORWARDED TO POLICE DEPT. 4/20/07 Whg
 DATE RECEIVED BY POLICE DEPT. 4/23/07 Wth

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 5/25/07 Whg
 DATE FORWARDED TO CITY CLERK 5/25/07 Whg
 DATE RECEIVED BY CITY CLERK 5/25/07 RAH
 SCHEDULED DATE ON AGENDA 6/04/07 RAH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____
OR TO ABC FIELD OFFICE _____ (per taxpayer request)

STATE OF ALABAMA, ALCOHOLIC BEVERAGE CONTROL BOARD, MONTGOMERY, ALABAMA

Date Refused _____ TYPE APPLICATION Date Approved _____
 By: _____ 060 - Retail Table Wine - (On or Off Premises) By: _____

Name of Applicant (s) Poseidon's Mediterranean Grill, LLC
 Circle One: Ind. Part. Assoc. Corp. **LLC**

Name and address of individual, partners and members, association, corporate officers, etc.:

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
Diana Burgett Nolan	MS 424801013 President	8-18-1960 Wiltshire England USAF	1245 Mt Alban Rd. #26 Vicksburg MS 39180	8 Years
Joni Diane Hawkins	AL 7902510 Vice-President	12-11-1980 Baldwin AL	24331 Gemstone Dr. Loxley AL 36551	1 year

Corporate Information: Instrument # 1041720 Date 4-5-2007 County Baldwin
 (Enter book and page or document info.) (Incorporation or Authority)

Trade Name Poseidon's Mediterranean Grill

Location 27080 U.S. Hwy 98 Unit 1 Daphne AL 36526 County Baldwin

Mailing Address 24331 Gemstone Dr. Loxley AL 26551
 (Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information Transferee

Licensee Name N/A Type N/A Year N/A

Trade Name N/A License Number N/A

Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5-.14 regarding financial responsibility? Y N

Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N

Has ANYONE, including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? Y N

Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N

Are the applicant(s) named above, the only person(s), in any manner, interested in the business sought to be licensed? Y N

These premises are located in the: Corporate Limits Police Jurisdiction of Daphne, Alabama (Enter N/A if not located in either)

Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? Y N

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? Y N

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N

What is the applicants' primary source of funding? Loan Inheritance Individual(s) Business Other (explanation attached)

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of ANY law violation? Y N
 (If Yes, explain in Investigation Section) Signature of applicant [Signature]

The undersigned agree, if a license is issued as herein above applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the Board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the licensed premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him in connection with said licensed premises. The undersigned hereby understands that should he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

STATE OF ALABAMA
 COUNTY OF Baldwin
 Signed [Signature] Title Vice President Date 04/19/2007

The undersigned Joni D. Hawkins Vice-President of Poseidon's Mediterranean Grill, LLC
 (Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)
 applicant for the Alcoholic Beverage license requested, hereby swears and affirms that he/she has read said application and all statements therein and the facts set forth are true and correct, and that the applicant is the only person interested in the business for which license is requested.

Sworn to and subscribed before me this 19th day of April, 2007

[Signature] Signature of Notary Public
[Signature] Signature of Affiant

GENERAL APPLICATION INFORMATION

Contact Person: Joni D. Hawkins Vice-President of Poseidon's Mediterranean Grill, LLC
 Phone Numbers: Home: (251) 964-7467 Business: (251) 626-5653
 Fax: (251) 626-5654 Pager: _____ Other: (251) 214-8152
 Internet/Web Address: _____ Email Address: _____

Does the premises have a fully equipped and operational kitchen? Y N NA
 Does the establishment have restroom facilities? Y N
 Is place of business habitually and principally used for providing food to the public? Y N Snacks Only NA
 Are these premises equipped with services and facilities for on premise consumption of alcoholic beverages? Y N
 Will this business be operated PRIMARILY as a package store? Y N
 If a COMMON CARRIER, does each vehicle seat 10 or more persons? Y N NA

INVESTIGATION SECTION OF APPLICATION (To be completed by investigating ABC Agent)

Will applicant engage in the sale of tobacco products? Y N If yes, type of business: n/a
 Number of tobacco vending machines present: n/a
 Will applicant engage in the sale of products containing ephedrine or pseudo-ephedrine? Y N (Benadryl, Claritin, Motrin, Sudafed, etc.)
 Neighborhood investigation waived in accordance with Application Guidelines
 Building seating capacity 60 License premises includes patio area Y N
 Building Dimensions: Length 30' Width 60' Square Footage 1800 Sales and Display Square Footage n/a
 License covers: Entire structure Portion of: Top Floor Bottom Floor Other _____
 License Structure: One Story Two Story Multi-Story Single Structure Shopping Center Motel/Hotel
 Structure Material: Wood Brick/Block Metal/Pre-Fab Other _____
 Is location within city limits? Y N Police Protection: County City
 Number of licenses issued in vicinity: 0 1-5 6-10 more than 10 Nearest: 1/2 mile
 Nearest: School Church Private Residence
 within 2 blocks within 2 blocks within 2 blocks
 within 1/2 mile within 1/2 mile within 1/2 mile
 Exceeds Above Exceeds Above Exceeds Above

EXPLANATION OF LAW VIOLATIONS

List below the court records for law violations, if any, of each person interested in this application, including manager whether as a sole applicant, partner, officer or member. (Do not include traffic violations, except DUI and Reckless Driving)

Name	Date	Violation	Jurisdiction	Disposition
Joni D. Hawkins	Nov. 2002	Simple Possession Of Marijuana	Madison Parrish LA	Guilty - paid fine

FILING FEE ACKNOWLEDGEMENT

In reference to ACT NO. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

Signature of Applicant: [Signature]

TRANSFER AGREEMENT

License Type: _____ License # _____

I _____ This is not a License Transfer _____, as _____ holding current ABC License:
 (Name) (Title)

this location, hereby authorize the ABC Board to transfer the license(s) to APPLICANT as appears on front of application, provided that this applicant obtains approval from the appropriate local governing body and meets all requirements of the ABC Board. I understand that I am responsible for the operation of this licensed establishment until the applicant obtains a re-issued license from the ABC Board. I also understand that if for any reason this transfer is not approved by the local governing body or the ABC Board, I must take over complete control, operation, and responsibility of these licensed premises. If I do not continue operation of this licensed establishment, I will relinquish my ABC License to the local ABC Board office, or local Agent.

Licensee		Date	
Applicant		Date	

(Note: If applicant or licensee is a partnership, ALL partners must sign this agreement)

LEASE/PROPERTY OWNERSHIP

If applicant OWNS property, is copy of recorded deed attached? Y N
 If applicant has CONTRACT TO PURCHASE, is a copy of the recorded sales contract attached? Y N
 If applicant is LEASING the property, is a copy of the lease agreement attached? Y N
 A: Name of Property Owner/Lessor: The Mitchell Company Contact #: (251) 380-2929
 B: What is the LESSOR'S primary business? Leasing
 C: Is LESSOR involved in any way with the Alcoholic Beverage business? Y N (If yes, explain on an attached sheet)
 D: Is there any further interest in, or connection with, the licensee's business by the LESSOR? Y N (If yes, explain on an attached sheet)

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) JH

Agent/ID Janice L. Mabry 114 Supervisor _____

(Review includes complete application pack)

AGENT: Application taken: 04/19/2007 Application/Investigation completed: 4/19/07 Forwarded to D.O.: 1/1

LOCAL GOVERNMENT: Submitted: 4/19/07 Received from: 1/1

SUPERVISOR: Received in District Office: 1/1 Reviewed: 1/1 Forwarded to C.O.: 1/1

STATE OF ALABAMA, ALCOHOLIC BEVERAGE CONTROL BOARD, MONTGOMERY, ALABAMA

TYPE APPLICATION

040 - Retail Beer - (On or Off Premises)

Date Refused _____

Date Approved _____

By: _____

By: _____

Name of Applicant (s) Poseidon's Mediterranean Grill, LLC

Circle One: Ind. Part. Assoc. Corp. **LLC**

Name and address of individual, partners and members, association, corporate officers, etc.:

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
Diana Burgett Nolan	MS 424801013 President	8-18-1960 Wiltshire England USAF	1245 Mt Alban Rd. #26 Vicksburg MS 39180	8 Years
Joni Diane Hawkins	AL 7902510 Vice- President	12-11-1980 Baldwin AL	24331 Gemstone Dr. Loxley AL 36551	1 year

Corporate Information: Instrument # 1041720 Date 4-5-2007 County Baldwin
 (Enter book and page or document info.) (Incorporation or Authority)

Trade Name Poseidon's Mediterranean Grill

Location 27080 U.S. Hwy 98 Unit 1 Daphne AL 36526 County Baldwin

Mailing Address 24331 Gemstone Dr. Loxley AL 26551
 (Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information Transferee

Licensee Name N/A Type N/A Year N/A

Trade Name N/A License Number N/A

Location (location transfer only) N/A

- Has applicant complied with ABC Regulation # 20-X-5-.14 regarding financial responsibility? Y N
- Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N
- Has ANYONE, including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? Y N
- Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N
- Are the applicant(s) named above, the only person(s), in any manner, interested in the business sought to be licensed? Y N
- These premises are located in the: Corporate Limits Police Jurisdiction of Daphne, Alabama (Enter N/A if not located in either)
- Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? Y N
- Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? Y N
- Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N
- What is the applicants' primary source of funding? Loan Inheritance Individual(s) Business Other (explanation attached)
- Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of ANY law violation? Y N
 (If Yes, explain in Investigation Section) Signature of applicant [Signature]

The undersigned agree, if a license is issued as herein above applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the Board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the licensed premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him in connection with said licensed premises. The undersigned hereby understands that should he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned...

(For Central Office Use Only) License No. Date of Issue Amount of Fees Total

GENERAL APPLICATION INFORMATION

Contact Person: Joni D. Hawkins Vice-President of Poseidon's Mediterranean Grill J.L.C.
 Phone Numbers: Home: (251) 964-7467 Business: (251) 626-5655
 Fax: (251) 626-5654 Pager: _____ Other: (251) 214-8152
 Internet/Web Address: _____ Email Address: _____

Does the premises have a fully equipped and operational kitchen? Y N NA
 Does the establishment have restroom facilities? Y N
 Is place of business habitually and principally used for providing food to the public? Y N Snacks Only NA
 Are these premises equipped with services and facilities for on premise consumption of alcoholic beverages? Y N
 Will this business be operated PRIMARILY as a package store? Y N
 If a COMMON CARRIER, does each vehicle seat 10 or more persons? Y N NA

INVESTIGATION SECTION OF APPLICATION (To be completed by investigating ABC Agent)

Will applicant engage in the sale of tobacco products? Y N If yes, type of business: n/a
 Number of tobacco vending machines present: n/a
 Will applicant engage in the sale of products containing ephedrine or pseudo-ephedrine? Y N (Benadryl, Claritin, Motrin, Sudafed, etc.)
 Neighborhood Investigation waived in accordance with Application Guidelines
 Building seating capacity 60 License premises includes patio area Y N
 Building Dimensions: Length 30' Width 60' Square Footage 1800 Sales and Display Square Footage n/a
 License covers: Entire structure Portion of: Top Floor Bottom Floor Other _____
 License Structure: One Story Two Story Multi-Story Single Structure Shopping Center Motel/Hotel
 Structure Material: Wood Brick/Block Metal/Pre-Fab Other _____
 Is location within city limits? Y N Police Protection: County City
 Number of licenses issued in vicinity: 0 1-5 6-10 more than 10 Nearest: 1/2 mile
 Nearest: School Church Private Residence
 within 2 blocks within 1/2 mile Exceeds Above
 within 2 blocks within 1/2 mile Exceeds Above
 within 2 blocks within 1/2 mile Exceeds Above

EXPLANATION OF LAW VIOLATIONS

List below the court records for law violations, if any, of each person interested in this application, including manager whether as a sole applicant, partner, office or member. (Do not include traffic violations, except DUI and Reckless Driving)

Name	Date	Violation	Jurisdiction	Disposition
Joni D. Hawkins	Nov. 2002	Simple Possession Of Marijuana	Madison Parrish LA	Guilty - paid fine

FILING FEE ACKNOWLEDGEMENT

In reference to ACT NO. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

Signature of Applicant: [Signature]

TRANSFER AGREEMENT

License Type: _____ License # _____
 I, _____, as _____ holding current ABC License a
 (Name) (Title)
 this location, hereby authorize the ABC Board to transfer the license(s) to APPLICANT as appears on front of application, provided that this applicant obtains approval from the appropriate local governing body and meets all requirements of the ABC Board. I understand that I am responsible for the operation of this licensed establishment until the applicant obtains a re-issued license from the ABC Board. I also understand that if for any reason this transfer is not approved by the local governing body or the ABC Board, I must take over complete control, operation, and responsibility of these licensed premises. If I do not continue operation of this licensed establishment, I will relinquish my ABC License to the local ABC Board office, or local Agent.

Licensee: _____ Date: _____
 Applicant: _____ Date: _____

(Note: If applicant or licensee is a partnership, ALL partners must sign this agreement)

LEASE/PROPERTY OWNERSHIP

If applicant OWNS property, is copy of recorded deed attached? Y N
 If applicant has CONTRACT TO PURCHASE, is a copy of the recorded sales contract attached? Y N
 If applicant is LEASING the property, is a copy of the lease agreement attached? Y N
 A: Name of Property Owner/Lessor: The Mitchell Company
 B: What is the LESSOR'S primary business? Leasing Contact #: (251) 380-2929
 C: Is LESSOR involved in any way with the Alcoholic Beverage business? Y N (If yes, explain on an attached sheet)
 D: Is there any further interest in, or connection with, the licensee's business by the LESSOR? Y N (If yes, explain on an attached sheet)

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) JH
 Agent/ID Jamie L. Malay 114 Supervisor _____

AGENT: Application taken: 04/19/2007 Application/Investigation completed: 4/19/07 Forwarded to D.O.: / /
 LOCAL GOVERNMENT: Submitted: 4/19/07 Received from: / /
 SUPERVISOR: Received in District Office: / / Reviewed: / / Forwarded to C.O.: / /

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

**CITY COUNCIL MEETING
RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS**

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

Resolution 2007- 44

US 90 Sewer Project

WHEREAS, the City of Daphne did heretofore appoint the Director of the Utilities Board, to serve as project administrator (hereinafter referred to as "Administrator") for the various sewer projects as approved by the City of Daphne; and

WHEREAS, the City of Daphne did heretofore approve a US 90 sewer project; and

WHEREAS, the Administrator did receive bids on behalf of the City of Daphne for the US 90 sewer project; and

WHEREAS, bids as submitted were reviewed and Volkert & Associates, Inc did make a recommendation to the Daphne City Council that the bids be awarded as follows:

- Northwestern, Inc: Phase A, Lift Stations
- R & B Contracting Company: Phase B, Force and Gravity Sewer Mains

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Daphne that the City of Daphne hereby awards the US 90 sewer bids as follows:

- \$ 934,473.00: Northwestern, Inc- Phase A, Lift Stations
- \$ 973,477.93: R&B Contracting Company- Phase B, Force and Gravity Sewer Mains

The Mayor is hereby authorized to execute such contracts.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2007.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC



May 29, 2007

Contract No. 518506.10 A
Sanitary Sewer Improvements Along US 90 -
Phase A, Lift Stations

www.volkert.com
3809 Moffett Road (36618)
P.O. Box 7434
Mobile, Alabama 36670-0434
251.342.1070
Fax 251.342.7962
volkert@volkert.com

Mayor Fred Small
City of Daphne
P.O. Box 400
Daphne, AL 36526

Dear Mayor Small:

Enclosed is the Tabulation of Bids received on May 23, 2007 for the referenced project. Also, our office will return the original bids to each contractor at the appropriate time following contract award. The following is a summary of the total bid amounts submitted:

<u>Contractor</u>	<u>Total Bid Amount</u>
Northwestern, Inc.	\$934,473.00
Gilco Contracting, Inc.	\$972,431.70
Onyx, Inc.	\$1,041,755.00
Gulf Equipment Corporation	\$1,105,248.00
James Brothers Excavating, Inc.	\$1,172,504.00
S, J & L, Inc.	\$1,292,440.00

We have reviewed the proposals and found them to be in order. Northwestern, Inc. submitted the low total bid amount of \$934,473.00. The submitted total bid amount is less than the engineer's estimate and appears to be reasonable for the required work. Therefore, we recommend that Northwestern, Inc. be awarded this contract for the total bid amount of \$934,473.00.

Please call me at your convenience should you have any questions regarding these items.

Sincerely,

Melinda D. Immel, P.E.
Assistant Vice President

/kvd
Enclosures

c Ms. Kim Briley
Mr. Rob McElroy, P.E.
Mr. Danny Lyndall

Item No.	Item Description	Unit	Estimated Quantity	1 Northwestern, Inc.		2 Gisco Contracting, Inc.		3 Dynex, Inc.		4 Gulf Equipment Corporation		5 James Bros. Excavating, Inc.		6 S, J & L, Inc.		Engineer's Estimate	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
BE-1	Selected Sand or Sand-Clay Blend for Paving Only	CYB	900	\$15.75	\$4,725.00	\$11.12	\$3,338.00	\$12.00	\$3,600.00	\$14.00	\$4,200.00	\$10.00	\$3,000.00	\$25.00	\$7,500.00	\$12.00	\$3,600.00
EC-1	Silt Fences (Type A)	LF	600	\$6.00	\$3,600.00	\$1.31	\$658.00	\$3.00	\$1,800.00	\$4.00	\$2,400.00	\$6.00	\$3,600.00	\$6.00	\$3,600.00	\$5.00	\$2,550.00
EC-2	Hay Bales	EA	130	\$7.50	\$975.00	\$3.29	\$1,077.70	\$7.00	\$910.00	\$8.00	\$1,040.00	\$4.00	\$520.00	\$7.00	\$910.00	\$3.00	\$390.00
EC-3	Erosion Control Matting	SY	1,680	\$2.50	\$4,200.00	\$3.71	\$5,838.00	\$3.00	\$4,800.00	\$4.50	\$7,200.00	\$4.50	\$7,200.00	\$2.50	\$4,000.00	\$4.00	\$6,400.00
EC-4	Turbidity Barrier	LF	90	\$23.00	\$2,070.00	\$58.70	\$3,402.00	\$5.00	\$300.00	\$23.00	\$2,070.00	\$7.50	\$675.00	\$30.00	\$2,700.00	\$15.00	\$900.00
GC-1	Crushed Stone Foundation for Piling Only	LF	100	\$8.00	\$800.00	\$9.16	\$916.00	\$10.00	\$1,000.00	\$10.00	\$1,000.00	\$10.00	\$1,000.00	\$6.00	\$600.00	\$6.00	\$600.00
GC-2A	24" Reinforced Concrete Pipe Culvert	LF	80	\$44.00	\$3,520.00	\$75.24	\$6,019.20	\$46.00	\$3,680.00	\$60.00	\$4,800.00	\$46.00	\$3,680.00	\$50.00	\$4,000.00	\$50.00	\$4,000.00
GC-2B	30" Reinforced Concrete Pipe Culvert	LF	90	\$67.00	\$5,130.00	\$83.12	\$6,880.80	\$55.00	\$4,950.00	\$76.00	\$6,840.00	\$55.00	\$4,950.00	\$65.00	\$5,850.00	\$65.00	\$5,850.00
GC-3	Concrete Slop Masswall	EA	4	\$400.00	\$1,600.00	\$927.00	\$3,708.00	\$1,250.00	\$5,000.00	\$500.00	\$2,000.00	\$750.00	\$3,000.00	\$1,000.00	\$4,000.00	\$2,000.00	\$8,000.00
GC-4	Concrete Ditch	SY	30	\$61.00	\$1,830.00	\$82.16	\$2,464.80	\$100.00	\$3,000.00	\$87.00	\$2,610.00	\$40.00	\$1,600.00	\$35.00	\$1,050.00	\$65.00	\$1,950.00
GC-5	Mobilization (Not to exceed 5% of Total Contract)	LS	1	\$20,812.00	\$20,812.00	\$44,700.00	\$44,700.00	\$50,000.00	\$50,000.00	\$46,000.00	\$46,000.00	\$50,000.00	\$50,000.00	\$60,000.00	\$60,000.00	\$40,000.00	\$40,000.00
GC-6	Permit Acquisition (Not to exceed \$3,000)	LS	1	\$3,000.00	\$3,000.00	\$2,943.00	\$2,943.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
SS-1A	10" DI Sanitary Sewer Gravity Main (CL 52) (10'-12" Depth)	LF	16	\$56.00	\$896.00	\$80.04	\$1,280.64	\$145.00	\$2,320.00	\$176.00	\$2,816.00	\$212.00	\$3,392.00	\$94.00	\$1,504.00	\$65.00	\$1,040.00
SS-1B	10" DI Sanitary Sewer Gravity Main (CL 53) (14'-18" Depth)	LF	16	\$59.00	\$944.00	\$89.54	\$1,432.64	\$160.00	\$2,560.00	\$206.00	\$3,296.00	\$256.00	\$4,096.00	\$80.00	\$1,280.00	\$60.00	\$960.00
SS-1C	10" DI Sanitary Sewer Gravity Main (CL 52) (18'-18" Depth)	LF	20	\$62.00	\$1,240.00	\$89.24	\$1,784.80	\$180.00	\$3,600.00	\$180.00	\$3,600.00	\$180.00	\$3,600.00	\$100.00	\$2,000.00	\$115.00	\$2,300.00
SS-1D	10" DI Sanitary Sewer Gravity Main (CL 52) (10'-20" Depth)	LF	16	\$65.00	\$1,040.00	\$123.24	\$1,971.84	\$200.00	\$3,200.00	\$200.00	\$3,200.00	\$200.00	\$3,200.00	\$90.00	\$1,440.00	\$125.00	\$2,000.00
SS-1E	10" DI Sanitary Sewer Gravity Main (CL 52) (20'-22" Depth)	LF	7	\$68.00	\$476.00	\$135.24	\$946.68	\$220.00	\$1,540.00	\$220.00	\$1,540.00	\$220.00	\$1,540.00	\$80.00	\$560.00	\$120.00	\$840.00
SS-2A	48" Sanitary Sewer Manholes (6'-10" Depth)	EA	1	\$2,800.00	\$2,800.00	\$2,835.00	\$2,835.00	\$2,200.00	\$2,200.00	\$2,200.00	\$2,200.00	\$4,230.00	\$4,230.00	\$3,300.00	\$3,300.00	\$3,200.00	\$3,200.00
SS-2B	48" Sanitary Sewer Manholes (18'-18" Depth)	EA	1	\$3,400.00	\$3,400.00	\$3,532.00	\$3,532.00	\$3,300.00	\$3,300.00	\$3,300.00	\$3,300.00	\$3,340.00	\$3,340.00	\$3,800.00	\$3,800.00	\$6,000.00	\$6,000.00
SS-4	Post-Construction Internal Video Inspection	LF	70	\$17.00	\$1,190.00	\$6.00	\$420.00	\$20.00	\$1,400.00	\$5.00	\$350.00	\$30.00	\$2,100.00	\$14.00	\$980.00	\$2.00	\$140.00
SS-5A	US 90 Lift Station #1 (EAG) Lift Station	LS	1	\$398,541.00	\$398,541.00	\$408,821.80	\$408,821.80	\$435,000.00	\$435,000.00	\$425,190.00	\$425,190.00	\$481,000.00	\$481,000.00	\$505,000.00	\$505,000.00	\$400,000.00	\$400,000.00
SS-5B	US 90 Lift Station #2 (WEG) Lift Station	LS	1	\$425,846.00	\$425,846.00	\$429,381.60	\$429,381.60	\$450,000.00	\$450,000.00	\$518,738.00	\$518,738.00	\$531,000.00	\$531,000.00	\$545,100.00	\$545,100.00	\$500,000.00	\$500,000.00
SS-6	1-10 Lift Station Rehabilitation	LS	1	\$29,000.00	\$29,000.00	\$28,368.00	\$28,368.00	\$25,000.00	\$25,000.00	\$19,339.00	\$19,339.00	\$45,000.00	\$45,000.00	\$98,000.00	\$98,000.00	\$50,000.00	\$50,000.00
SS-7	Installation 110 RTU System	EA	2	\$3,000.00	\$6,000.00	\$6,800.00	\$13,600.00	\$10,000.00	\$20,000.00	\$8,800.00	\$17,600.00	\$5,500.00	\$11,000.00	\$10,000.00	\$20,000.00	\$6,000.00	\$12,000.00
AL-1	General Allowance	LS	1	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
TOTAL BID AMOUNT					\$954,673.00		\$972,431.70		\$1,041,708.00		\$1,085,248.00		\$1,173,544.00		\$1,202,446.00		\$1,048,650.00

THE CITY OF BARBIE, ALABAMA
 TABULATION OF BIDS RECEIVED ON MAY 23, 2007
 FOR CONTRACT NO. 25590-10-A
 SANITARY SEWER IMPROVEMENTS ALONG US 90
 PHASE A - LIFT STATIONS

I, Melinda D. Immel, P.E., Assistant Vice President, Volkert & Associates, Inc. Consulting Engineers, do hereby certify that this tabulation of bids received on May 23, 2007, for construction of the herein referenced project, is a true and correct copy of the bids submitted by the within named corporations.

Melinda D. Immel, P.E., Assistant Vice President
 Volkert & Associates, Inc.

VOLKERT & ASSOCIATES, INC.



May 29, 2007

www.volkert.com

Contract No. 518506.10 B
Sanitary Sewer Improvements Along US 90 -
Phase B, Force & Gravity Sewer Mains

3809 Moffett Road (36618)
P.O. Box 7434
Mobile, Alabama 36670-0434
251.342.1070
Fax 251.342.7962
volkert@volkert.com

Mayor Fred Small
City of Daphne
P.O. Box 400
Daphne, AL 36526

Dear Mayor Small:

Enclosed is the Tabulation of Bids received on May 23, 2007 for the referenced project. Also, our office will return the original bids to each contractor at the appropriate time following contract award. The following is a summary of the total bid amounts submitted:

<u>Contractor</u>	<u>Total Bid Amount</u>
R & B Contracting Company, Inc.	\$973,477.93
Northwestern, Inc.	\$1,046,456.75
J.C. Brown Construction, Inc.	\$1,081,721.24
James Brothers Excavating, Inc.	\$1,098,265.00
Gilco Contracting, Inc.	\$1,105,595.12
Onyx, Inc.	\$1,170,505.00
Gulf Equipment Corporation	\$1,354,655.50
S, J & L, Inc.	\$1,359,660.00

We have reviewed the proposals and found them to be in order. R & B Contracting Company, Inc. submitted the low total bid amount of \$973,477.93. The submitted total bid amount is less than the engineer's estimate and appears to be reasonable for the required work. Therefore, we recommend that R & B Contracting Company, Inc. be awarded this contract for the total bid amount of \$973,477.93.

Please call me at your convenience should you have any questions regarding these items.

Sincerely,

Melinda D. Immel, P.E.
Assistant Vice President

/kvd

Enclosures

c Ms. Kim Briley
Mr. Rob McElroy, P.E.
Mr. Danny Lyndall

Office Locations:

Birmingham, Foley, Mobile, Alabama • Gainesville, Orlando, Pensacola, Tampa, Florida • Atlanta, Georgia • Collinsville, Illinois
Baton Rouge, Louisiana • Tupelo, Mississippi • Raleigh, North Carolina • Chattanooga, Tennessee • Alexandria, Virginia • Washington, D.C.

THE CITY OF DAPHNE, ALABAMA
 TABULATION OF BIDS RECEIVED ON MAY 23, 2007
 FOR CONTRACT NO. S18596.10.9
 SANITARY SEWER IMPROVEMENTS ALONG US 90 -
 PHASE B) FORCE MAIN GRAVITY SEWER MAINS

Item No.	Item Description	Unit	Estimated Quantity	1 R & B Contracting Company, Inc.		2 Northwestern, Inc.		3 J.C. Brown Construction, Inc.		4 James Brothers Excavating, Inc.		5 Gilco Contracting, Inc.		6 Onyx, Inc.		7 Gulf Equipment Corporation		8 S, J & L, Inc.		Engineer's Estimate	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
BF-1	Select Sand or Sand-Clay Backfill	CYP	1,500	\$3.00	\$4,500.00	\$12.00	\$18,000.00	\$5.42	\$9,630.00	\$10.00	\$15,000.00	\$11.12	\$16,680.00	\$11.00	\$16,500.00	\$15.50	\$23,250.00	\$18.00	\$27,000.00	\$11.00	\$16,500.00
EC-1	Grassing & Mulching for Erosion Control	AC	8	\$2,000.00	\$16,000.00	\$2,975.00	\$23,800.00	\$1,551.50	\$12,412.00	\$1,800.00	\$14,400.00	\$1,854.00	\$14,832.00	\$1,250.00	\$10,000.00	\$2,000.00	\$16,000.00	\$2,500.00	\$20,000.00	\$2,000.00	\$16,000.00
EC-2	Solid Sod	SYP	300	\$5.00	\$1,500.00	\$6.00	\$1,800.00	\$4.28	\$1,284.00	\$6.00	\$1,800.00	\$3.80	\$1,080.00	\$7.00	\$2,100.00	\$4.00	\$1,200.00	\$5.00	\$1,500.00	\$8.00	\$2,400.00
EC-3	Slit Fence (Type A)	LF	14,000	\$2.50	\$35,000.00	\$3.75	\$52,500.00	\$4.81	\$67,340.00	\$5.00	\$70,000.00	\$1.31	\$18,340.00	\$2.00	\$28,000.00	\$4.50	\$63,000.00	\$5.00	\$70,000.00	\$4.00	\$56,000.00
EC-4	Hay Bales	EA	3,700	\$4.00	\$14,800.00	\$7.00	\$25,900.00	\$5.88	\$21,756.00	\$5.00	\$18,500.00	\$3.92	\$14,504.00	\$5.50	\$20,350.00	\$7.80	\$28,860.00	\$7.00	\$25,900.00	\$7.00	\$25,900.00
EC-5	Topsoil	CYP	100	\$9.00	\$900.00	\$21.00	\$2,100.00	\$4.28	\$428.00	\$9.00	\$900.00	\$22.68	\$2,268.00	\$10.00	\$1,000.00	\$17.80	\$1,780.00	\$25.00	\$2,500.00	\$15.00	\$1,500.00
EC-6	Erosion Control Netting	SYP	1,500	\$3.00	\$4,500.00	\$3.00	\$4,500.00	\$4.28	\$6,420.00	\$4.50	\$6,750.00	\$8.11	\$9,165.00	\$2.50	\$3,750.00	\$4.50	\$6,750.00	\$2.50	\$3,750.00	\$4.00	\$6,000.00
EC-7	Turbidity Barrier	LF	100	\$8.00	\$800.00	\$15.00	\$1,500.00	\$10.70	\$1,070.00	\$7.50	\$750.00	\$6.70	\$670.00	\$5.00	\$500.00	\$44.50	\$4,450.00	\$30.00	\$3,000.00	\$15.00	\$1,500.00
GC-1	Crushed Stone Foundation	LF	2,600	\$6.00	\$15,600.00	\$8.00	\$20,800.00	\$7.49	\$19,474.00	\$7.60	\$19,560.00	\$7.85	\$20,410.00	\$7.00	\$18,200.00	\$6.70	\$17,420.00	\$8.00	\$16,600.00	\$8.00	\$20,800.00
GC-2	Remove and Replace Concrete Curb and Gutter	LF	40	\$30.00	\$1,200.00	\$25.00	\$1,000.00	\$64.20	\$2,568.00	\$20.00	\$800.00	\$24.00	\$960.00	\$65.00	\$2,600.00	\$33.40	\$1,336.00	\$35.00	\$1,400.00	\$40.00	\$1,600.00
GC-3	Remove and Reset Fencing (All Types)	LF	25	\$40.00	\$1,000.00	\$25.00	\$625.00	\$12.84	\$321.00	\$25.00	\$625.00	\$30.00	\$750.00	\$30.00	\$750.00	\$33.40	\$835.00	\$60.00	\$1,500.00	\$20.00	\$500.00
GC-4	Mobilization (Not to exceed 5% of total contract)	LS	1	\$46,358.00	\$46,358.00	\$29,227.00	\$29,227.00	\$48,311.44	\$48,311.44	\$50,000.00	\$50,000.00	\$55,140.00	\$55,140.00	\$58,000.00	\$58,000.00	\$48,687.00	\$48,687.00	\$75,000.00	\$75,000.00	\$40,000.00	\$40,000.00
GC-5	Permit Acquisition (Not to exceed \$3,000)	LS	1	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$2,943.00	\$2,943.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
GC-6A	20" Welded St. Enc. w/ Spacers & End Seals (Type 1 Install.)	LF	370	\$94.63	\$35,013.10	\$95.50	\$35,335.00	\$100.00	\$37,000.00	\$80.00	\$29,600.00	\$113.40	\$41,958.00	\$110.00	\$40,700.00	\$134.00	\$49,580.00	\$175.00	\$64,750.00	\$100.00	\$37,000.00
GC-6B	24" Welded St. Enc. w/ Spacers & End Seals (Type 1 Install.)	LF	330	\$112.06	\$36,980.40	\$112.50	\$37,125.00	\$111.00	\$36,630.00	\$75.00	\$24,750.00	\$128.48	\$42,338.40	\$116.00	\$37,950.00	\$150.00	\$49,500.00	\$191.00	\$63,030.00	\$125.00	\$41,250.00
GC-7A	20" Welded St. Enc. w/ Spacers & End Seals (Type 2 Install.)	LF	170	\$104.63	\$17,787.10	\$178.00	\$30,260.00	\$176.65	\$30,031.50	\$180.00	\$30,600.00	\$283.94	\$48,069.80	\$290.00	\$49,300.00	\$378.00	\$64,260.00	\$410.00	\$69,700.00	\$210.00	\$35,700.00
GC-7B	24" Welded St. Enc. w/ Spacers & End Seals (Type 2 Install.)	LF	230	\$192.08	\$44,178.40	\$302.00	\$69,460.00	\$204.37	\$47,005.10	\$285.00	\$65,550.00	\$277.02	\$63,714.60	\$325.00	\$74,750.00	\$467.00	\$107,410.00	\$500.00	\$115,000.00	\$290.00	\$59,800.00
PA-1	Removing and Preparing Base for Flexible Pavement (Black Base)	SYP	50	\$18.68	\$934.00	\$52.60	\$2,630.00	\$48.15	\$2,407.50	\$25.00	\$1,250.00	\$84.00	\$4,200.00	\$10.00	\$500.00	\$45.00	\$2,250.00	\$75.00	\$3,750.00	\$30.00	\$1,500.00
PA-2	Removal and Replacement of Concrete Driveway, Sidewalk, & Ditch	SYP	30	\$60.00	\$1,800.00	\$89.00	\$2,670.00	\$53.60	\$1,608.00	\$45.00	\$1,350.00	\$102.00	\$3,060.00	\$100.00	\$3,000.00	\$87.00	\$2,610.00	\$125.00	\$3,750.00	\$80.00	\$2,400.00
PA-3	Crushed Stone Surfacing	SYP	50	\$20.00	\$1,000.00	\$7.50	\$375.00	\$32.10	\$1,605.00	\$20.00	\$1,000.00	\$44.04	\$2,202.00	\$20.00	\$1,000.00	\$16.00	\$800.00	\$25.00	\$1,250.00	\$25.00	\$1,250.00
PA-4	Bituminous Wearing Surface for Patch Surfacing	SYP	50	\$20.00	\$1,000.00	\$15.00	\$750.00	\$21.40	\$1,070.00	\$15.00	\$750.00	\$96.00	\$4,800.00	\$30.00	\$1,500.00	\$75.00	\$3,750.00	\$25.00	\$1,250.00	\$30.00	\$1,500.00
SS-1A	6" PVC Gravity Stack and Laterals	LF	100	\$28.57	\$2,857.00	\$36.85	\$3,685.00	\$34.13	\$3,413.00	\$15.00	\$1,500.00	\$19.63	\$1,963.00	\$20.00	\$2,000.00	\$17.50	\$1,750.00	\$16.00	\$1,600.00	\$20.00	\$2,000.00
SS-1B	8" PVC Force Main Laterals	LF	480	\$28.40	\$13,632.00	\$14.10	\$6,768.00	\$17.12	\$8,217.60	\$25.00	\$12,000.00	\$17.23	\$8,270.40	\$18.00	\$8,640.00	\$20.00	\$9,600.00	\$25.00	\$12,000.00	\$15.00	\$7,200.00
SS-2A	10" PVC Sanitary Sewer Gravity Main (SDR 35) (0'-5" Depth)	LF	90	\$37.00	\$3,330.00	\$25.25	\$2,272.50	\$47.34	\$4,260.60	\$27.00	\$2,430.00	\$36.65	\$3,298.50	\$55.00	\$4,950.00	\$23.00	\$2,070.00	\$31.00	\$2,790.00	\$42.00	\$3,780.00
SS-2B	10" PVC Sanitary Sewer Gravity Main (SDR 35) (6'-8" Depth)	LF	280	\$41.08	\$11,502.40	\$28.25	\$7,910.00	\$47.34	\$13,255.20	\$29.00	\$8,120.00	\$41.45	\$11,606.00	\$60.00	\$16,800.00	\$27.40	\$7,672.00	\$38.00	\$10,640.00	\$45.00	\$12,600.00
SS-2C	10" PVC Sanitary Sewer Gravity Main (SDR 35) (8'-10" Depth)	LF	320	\$45.08	\$14,425.60	\$31.25	\$10,000.00	\$47.34	\$15,148.80	\$31.00	\$9,920.00	\$48.25	\$14,800.00	\$68.00	\$21,760.00	\$31.80	\$10,176.00	\$46.00	\$14,720.00	\$48.00	\$15,360.00
SS-2D	10" PVC Sanitary Sewer Gravity Main (SDR 35) (10'-12" Depth)	LF	290	\$49.08	\$14,233.20	\$34.25	\$9,932.50	\$52.69	\$15,280.10	\$34.00	\$9,860.00	\$51.05	\$14,804.50	\$75.00	\$21,750.00	\$49.60	\$14,384.00	\$54.00	\$15,660.00	\$55.00	\$15,950.00
SS-2A	10" DI Sanitary Sewer Gravity Main (CL 52) (0'-8" Depth)	LF	50	\$61.80	\$3,090.00	\$45.65	\$2,282.50	\$63.66	\$3,183.00	\$45.00	\$2,250.00	\$63.02	\$3,151.00	\$78.00	\$3,900.00	\$49.30	\$2,465.00	\$47.00	\$2,350.00	\$82.00	\$4,100.00
SS-2B	10" DI Sanitary Sewer Gravity Main (CL 52) (8'-10" Depth)	LF	190	\$55.80	\$10,602.00	\$49.65	\$9,433.50	\$63.66	\$12,095.40	\$47.00	\$8,930.00	\$67.82	\$12,885.00	\$83.00	\$15,770.00	\$56.00	\$10,640.00	\$54.00	\$10,260.00	\$88.00	\$16,920.00
SS-2C	10" DI Sanitary Sewer Gravity Main (CL 52) (8'-10" Depth)	LF	85	\$59.80	\$5,083.00	\$53.65	\$4,560.25	\$63.66	\$5,411.10	\$49.00	\$4,165.00	\$72.82	\$6,172.70	\$91.00	\$7,735.00	\$64.80	\$5,508.00	\$62.00	\$5,270.00	\$70.00	\$5,950.00
SS-2D	10" DI Sanitary Sewer Gravity Main (CL 52) (10'-12" Depth)	LF	190	\$63.80	\$12,122.00	\$57.65	\$10,953.50	\$69.01	\$13,111.90	\$51.00	\$9,690.00	\$77.42	\$14,709.80	\$99.00	\$18,810.00	\$73.70	\$14,003.00	\$74.00	\$14,060.00	\$75.00	\$14,250.00
SS-2E	10" DI Sanitary Sewer Gravity Main (CL 52) (12'-14" Depth)	LF	120	\$87.80	\$10,536.00	\$64.65	\$7,758.00	\$74.36	\$8,923.20	\$54.00	\$5,480.00	\$82.22	\$9,866.40	\$107.00	\$12,840.00	\$80.40	\$9,648.00	\$89.00	\$10,680.00	\$90.00	\$9,000.00
SS-2F	10" DI Sanitary Sewer Gravity Main (CL 52) (14'-16" Depth)	LF	100	\$75.80	\$7,580.00	\$74.65	\$7,465.00	\$79.71	\$7,971.00	\$58.00	\$5,800.00	\$87.02	\$8,702.00	\$115.00	\$11,500.00	\$103.00	\$10,300.00	\$105.00	\$10,500.00	\$90.00	\$9,000.00
SS-2G	10" DI Sanitary Sewer Gravity Main (CL 52) (16'-18" Depth)	LF	170	\$85.80	\$14,586.00	\$80.65	\$13,710.50	\$85.06	\$14,460.20	\$64.00	\$10,880.00	\$96.82	\$16,459.40	\$125.00	\$21,250.00	\$128.00	\$21,760.00	\$125.00	\$21,250.00	\$100.00	\$17,000.00

THE CITY OF DAPHNE, ALABAMA
 TABULATION OF BIDS RECEIVED ON MAY 23, 2007
 FOR CONTRACT NO. 07040103
 BIDDING FOR THE REPAIR AND REPLACEMENT OF
 SANITARY SEWER MAINS AND MANHOLES -
 PHASE 2 - CONSTRUCTION OF MAINS

Item No.	Item Description	Unit	Estimated Quantity	R & B Contracting Company, Inc.		Northwestern, Inc.		J.C. Brown Construction, Inc.		James Brothers Excavating, Inc.		Gileo Contracting, Inc.		Dryx, Inc.		Gulf Equipment Corporation		S. J. & L. Inc.		Engineer's Estimate			
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
SS-4A	8" PVC (C-900) Sanitary Sewer Force Main	LF	50	\$17.85	\$892.50	\$12.60	\$630.00	\$17.12	\$856.00	\$25.00	\$1,250.00	\$16.31	\$815.50	\$30.00	\$1,500.00	\$12.00	\$600.00	\$18.00	\$900.00	\$22.00	\$1,100.00	\$22.00	\$1,100.00
SS-4B	8" PVC (C-900) Sanitary Sewer Force Main	LF	1,450	\$20.25	\$29,362.50	\$18.00	\$26,100.00	\$20.05	\$29,072.50	\$27.00	\$39,150.00	\$26.34	\$38,103.00	\$27.00	\$39,150.00	\$15.00	\$21,750.00	\$20.00	\$29,000.00	\$28.00	\$40,600.00	\$28.00	\$40,600.00
SS-4C	10" HOPE (C-900) Sanitary Sewer Force Main	LF	9,620	\$24.34	\$234,150.80	\$19.50	\$187,970.00	\$25.41	\$244,444.20	\$30.00	\$288,600.00	\$30.96	\$293,987.20	\$35.00	\$338,700.00	\$27.00	\$259,740.00	\$34.50	\$333,800.00	\$40.00	\$388,800.00	\$38.00	\$366,960.00
SS-4D	10" HOPE (SDR 11) Sanitary Sewer Force Main	LF	370	\$44.47	\$16,455.90	\$40.50	\$15,000.00	\$43.87	\$16,221.90	\$40.00	\$14,800.00	\$39.60	\$14,652.00	\$35.00	\$12,975.00	\$41.00	\$15,255.00	\$45.00	\$16,650.00	\$50.00	\$18,500.00	\$48.00	\$17,760.00
SS-4E	12" HOPE (SDR 11) Sanitary Sewer Force Main	LF	230	\$55.56	\$12,778.80	\$58.00	\$13,340.00	\$50.29	\$11,566.70	\$50.00	\$11,500.00	\$52.72	\$12,126.50	\$40.00	\$9,200.00	\$40.00	\$9,200.00	\$51.00	\$11,845.00	\$60.00	\$13,800.00	\$58.00	\$13,400.00
SS-4F	12" HOPE (SDR 11) S.S. Force Main (Horizontal Bifurcated Drift)	LF	110	\$110.55	\$12,160.50	\$105.00	\$11,550.00	\$93.08	\$10,239.90	\$93.08	\$10,239.90	\$107.00	\$11,770.00	\$135.00	\$14,850.00	\$135.00	\$14,850.00	\$138.00	\$15,180.00	\$140.00	\$15,400.00	\$140.00	\$15,400.00
SS-4G	12" HOPE (C-900) Sanitary Sewer Force Main	LF	510	\$27.75	\$14,152.50	\$21.00	\$10,710.00	\$27.55	\$14,060.50	\$30.00	\$15,300.00	\$29.40	\$14,994.00	\$35.00	\$17,825.00	\$35.00	\$17,825.00	\$34.50	\$17,592.50	\$35.00	\$17,825.00	\$35.00	\$17,825.00
SS-4H	14" HOPE (SDR 11) S.S. Force Main	LF	560	\$35.04	\$19,622.40	\$31.50	\$17,640.00	\$38.71	\$21,375.60	\$38.00	\$21,280.00	\$35.00	\$19,800.00	\$45.00	\$25,200.00	\$45.00	\$25,200.00	\$45.00	\$25,200.00	\$45.00	\$25,200.00	\$45.00	\$25,200.00
SS-4A	10" x 8" PVC Wyes or Tees	EA	6	\$178.00	\$1,068.00	\$208.00	\$1,248.00	\$201.15	\$1,206.90	\$225.00	\$1,350.00	\$208.00	\$1,248.00	\$200.00	\$1,200.00	\$200.00	\$1,200.00	\$200.00	\$1,200.00	\$200.00	\$1,200.00	\$200.00	\$1,200.00
SS-4B	8" x 6" DI Tees (R/L)	EA	3	\$408.00	\$1,224.00	\$498.00	\$1,494.00	\$428.00	\$1,284.00	\$495.00	\$1,485.00	\$507.00	\$1,521.00	\$400.00	\$1,200.00	\$400.00	\$1,200.00	\$407.00	\$1,221.00	\$315.00	\$945.00	\$450.00	\$1,350.00
SS-4C	10" x 8" DI Tees (R/L)	EA	24	\$468.00	\$11,028.00	\$398.00	\$9,552.00	\$767.08	\$18,403.92	\$827.00	\$19,848.00	\$875.00	\$20,990.00	\$875.00	\$20,990.00	\$775.00	\$18,600.00	\$900.00	\$21,600.00	\$910.00	\$21,840.00	\$900.00	\$21,600.00
SS-5A	48" Sanitary Sewer Manhole (6'-6" Depth)	EA	1	\$2,682.18	\$2,682.18	\$2,487.00	\$2,487.00	\$2,174.24	\$2,174.24	\$2,200.00	\$2,200.00	\$2,208.00	\$2,208.00	\$1,650.00	\$1,650.00	\$2,200.00	\$2,200.00	\$2,200.00	\$2,200.00	\$2,200.00	\$2,200.00	\$2,200.00	
SS-5B	48" Sanitary Sewer Manhole (6'-3" Depth)	EA	3	\$3,487.25	\$10,461.75	\$3,087.00	\$9,261.00	\$2,598.87	\$7,796.61	\$2,900.00	\$8,700.00	\$2,922.00	\$8,766.00	\$1,900.00	\$5,700.00	\$1,900.00	\$5,700.00	\$2,880.00	\$8,640.00	\$3,200.00	\$9,600.00	\$3,000.00	\$9,000.00
SS-5C	48" Sanitary Sewer Manhole (6'-10" Depth)	EA	1	\$4,461.00	\$4,461.00	\$3,643.00	\$3,643.00	\$2,889.98	\$2,889.98	\$2,500.00	\$2,500.00	\$3,354.40	\$3,354.40	\$2,200.00	\$2,200.00	\$2,200.00	\$2,200.00	\$3,687.00	\$3,687.00	\$3,500.00	\$3,500.00	\$3,200.00	\$3,200.00
SS-5D	48" Sanitary Sewer Manhole (10'-12" Depth)	EA	1	\$4,855.00	\$4,855.00	\$3,943.00	\$3,943.00	\$3,287.48	\$3,287.48	\$2,700.00	\$2,700.00	\$4,197.60	\$4,197.60	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$4,445.00	\$4,445.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
SS-5E	60" Sanitary Sewer Manhole (10'-18" Depth)	EA	1	\$6,448.00	\$6,448.00	\$5,100.00	\$5,100.00	\$4,246.85	\$4,246.85	\$3,700.00	\$3,700.00	\$6,018.00	\$6,018.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$15,558.00	\$15,558.00	\$7,000.00	\$7,000.00	\$5,000.00	\$5,000.00
SS-6	10" PVC Drop Connection to Manhole	VF	10	\$150.00	\$1,500.00	\$200.00	\$2,000.00	\$538.00	\$5,380.00	\$650.00	\$6,500.00	\$623.20	\$6,232.00	\$150.00	\$1,500.00	\$150.00	\$1,500.00	\$100.00	\$1,000.00	\$140.00	\$1,400.00	\$400.00	\$4,000.00
SS-7	Select Manhole for PVC Pipe	LF	1,000	\$5.00	\$5,000.00	\$4.25	\$4,250.00	\$6.42	\$6,420.00	\$5.00	\$5,000.00	\$10.25	\$10,250.00	\$8.00	\$8,000.00	\$7.00	\$7,000.00	\$7.00	\$7,000.00	\$5.00	\$5,000.00	\$4.00	\$4,000.00
SS-8A	Connection to Existing Sanitary Sewer Manhole	EA	1	\$3,300.00	\$3,300.00	\$1,325.00	\$1,325.00	\$1,872.50	\$1,872.50	\$1,872.50	\$1,872.50	\$2,500.00	\$2,500.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$3,444.50	\$3,444.50	\$1,200.00	\$1,200.00	\$5,000.00	\$5,000.00
SS-8B	Connection to Existing Sanitary Sewer Force Main	EA	1	\$6,000.00	\$6,000.00	\$12,225.00	\$12,225.00	\$3,959.00	\$3,959.00	\$5,000.00	\$5,000.00	\$13,464.00	\$13,464.00	\$4,000.00	\$4,000.00	\$4,334.00	\$4,334.00	\$4,334.00	\$4,334.00	\$4,000.00	\$4,000.00	\$10,000.00	\$10,000.00
SS-9	Post-Construction Internal Video Inspection	LF	1,850	\$3.50	\$6,475.00	\$1.75	\$3,237.50	\$1.87	\$3,469.50	\$1.80	\$3,330.00	\$3.00	\$5,550.00	\$4.00	\$7,400.00	\$4.00	\$7,400.00	\$4.00	\$7,400.00	\$5.00	\$9,250.00	\$2.00	\$3,700.00
SS-10	Concrete for Sewer Lines	CY	4	\$150.00	\$600.00	\$200.00	\$800.00	\$267.50	\$1,070.00	\$150.00	\$600.00	\$307.00	\$1,228.00	\$250.00	\$1,000.00	\$250.00	\$1,000.00	\$250.00	\$1,000.00	\$300.00	\$1,200.00	\$400.00	\$1,600.00
SS-11	Air and Vacuum Valve Assembly	EA	10	\$3,472.00	\$34,720.00	\$3,325.00	\$33,250.00	\$3,852.00	\$38,520.00	\$3,852.00	\$38,520.00	\$3,882.00	\$38,820.00	\$1,900.00	\$19,000.00	\$1,900.00	\$19,000.00	\$4,445.00	\$44,450.00	\$3,000.00	\$30,000.00	\$3,500.00	\$35,000.00
SS-12	Sanitary Sewer Manhole Above Grade (6' Elevation)	EA	2	\$9,000.00	\$18,000.00	\$6,500.00	\$13,000.00	\$7,815.00	\$15,630.00	\$6,000.00	\$12,000.00	\$7,635.00	\$15,270.00	\$6,000.00	\$12,000.00	\$6,000.00	\$12,000.00	\$1,225.00	\$2,450.00	\$400.00	\$800.00	\$1,000.00	\$2,000.00
SS-13	Ductile Iron Sewer Fittings	LB	8,000	\$2.00	\$16,000.00	\$3.00	\$24,000.00	\$4.28	\$34,240.00	\$5.00	\$40,000.00	\$0.01	\$80.00	\$4.00	\$32,000.00	\$5.90	\$47,200.00	\$5.90	\$47,200.00	\$5.25	\$42,000.00	\$5.50	\$44,000.00
SS-14A	10" Oil Release Glands	EA	12	\$80.00	\$960.00	\$33.00	\$396.00	\$49.16	\$589.92	\$100.00	\$1,200.00	\$0.01	\$0.12	\$60.00	\$720.00	\$57.00	\$684.00	\$57.00	\$684.00	\$37.00	\$444.00	\$30.00	\$360.00
SS-14B	10" Oil Release Glands	EA	20	\$100.00	\$2,000.00	\$40.00	\$800.00	\$56.13	\$1,122.60	\$110.00	\$2,200.00	\$0.01	\$0.20	\$78.50	\$1,570.00	\$78.50	\$1,570.00	\$78.50	\$1,570.00	\$17.00	\$340.00	\$10.00	\$200.00
SS-14C	10" DI Release Glands	EA	85	\$150.00	\$12,750.00	\$75.00	\$6,375.00	\$98.18	\$8,345.30	\$150.00	\$12,750.00	\$0.01	\$0.85	\$65.00	\$5,425.00	\$65.00	\$5,425.00	\$134.50	\$11,422.50	\$85.00	\$7,225.00	\$120.00	\$10,200.00
SS-14D	12" DI Release Glands	EA	5	\$155.00	\$775.00	\$94.00	\$470.00	\$84.73	\$423.65	\$100.00	\$500.00	\$0.01	\$0.05	\$5.00	\$25.00	\$125.00	\$625.00	\$125.00	\$625.00	\$105.00	\$525.00	\$140.00	\$700.00
SS-15A	10" PVC Bell Joint Restraint Clamp	EA	3	\$22.50	\$67.50	\$15.00	\$45.00	\$22.39	\$67.17	\$190.00	\$570.00	\$6.78	\$20.34	\$60.00	\$180.00	\$70.10	\$210.30	\$27.30	\$81.90	\$50.00	\$150.00	\$150.00	\$450.00
SS-15B	10" PVC Bell Joint Restraint Clamp	EA	2	\$124.00	\$248.00	\$210.00	\$420.00	\$121.75	\$243.50	\$150.00	\$300.00	\$78.48	\$156.96	\$75.00	\$150.00	\$115.10	\$230.20	\$84.00	\$168.00	\$94.00	\$188.00	\$180.00	\$360.00
SS-15C	10" PVC Bell Joint Restraint Clamp	EA	45	\$174.00	\$7,730.00	\$218.50	\$9,832.50	\$218.50	\$9,832.50	\$200.00	\$9,000.00	\$141.72	\$6,377.40	\$200.00	\$9,000.00	\$200.00	\$9,000.00	\$174.50	\$7,852.50	\$136.00	\$6,120.00	\$200.00	\$9,000.00

THE CITY OF DALLAS, TEXAS
 TABULATION OF BIDS RECEIVED ON MAY 23, 2007
 FOR CONTRACT NO. 01868079-B
 SANITARY SEWER IMPROVEMENTS ALONG IUS 99 -
 PHASE B: FORCE & GRAVITY SEWER MAINS

Item No.	Item Description	Unit	Estimated Quantity	1 F & B Contracting Company, Inc.			2 Northwestern, Inc.			3 J.C. Brown Construction, Inc.			4 James Brothers Excavating, Inc.			5 Gilco Contracting, Inc.			6 Onyx, Inc.			7 Gulf Equipment Corporation			8 S. J. & L. Inc.			Engineer's Estimate			
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount		
SS-16A	8" Gate Valves	EA	28	\$270.00	\$7,560.00	\$580.00	\$16,240.00	\$848.26	\$23,752.48	\$700.00	\$19,600.00	\$288.60	\$8,080.80	\$282.00	\$7,896.00	\$255.00	\$7,140.00	\$782.00	\$21,896.00	\$558.00	\$15,816.00	\$700.00	\$19,600.00	\$700.00	\$19,600.00	\$700.00	\$19,600.00	\$700.00	\$19,600.00		
SS-16B	8" Gate Valves	EA	6	\$860.00	\$5,160.00	\$890.00	\$5,340.00	\$1,109.30	\$6,655.80	\$990.00	\$5,940.00	\$1,182.50	\$7,095.00	\$750.00	\$4,500.00	\$1,146.00	\$6,876.00	\$1,146.00	\$6,876.00	\$828.00	\$4,968.00	\$828.00	\$4,968.00	\$900.00	\$5,400.00	\$900.00	\$5,400.00	\$900.00	\$5,400.00		
SS-16C	10" Gate Valves	EA	4	\$1,140.00	\$4,560.00	\$1,240.00	\$4,960.00	\$1,542.77	\$6,171.08	\$1,200.00	\$4,800.00	\$1,978.80	\$7,915.20	\$1,990.00	\$7,960.00	\$1,673.00	\$6,692.00	\$1,673.00	\$6,692.00	\$1,250.00	\$5,000.00	\$1,250.00	\$5,000.00	\$1,200.00	\$4,800.00	\$1,200.00	\$4,800.00	\$1,200.00	\$4,800.00		
SS-17	8" Check Valves	EA	3	\$2,018.00	\$6,054.00	\$4,900.00	\$14,700.00	\$2,188.76	\$6,566.28	\$1,680.00	\$5,040.00	\$3,554.40	\$10,663.20	\$1,900.00	\$5,700.00	\$5,347.00	\$16,041.00	\$5,347.00	\$16,041.00	\$4,600.00	\$13,800.00	\$4,600.00	\$13,800.00	\$4,600.00	\$13,800.00	\$4,600.00	\$13,800.00	\$4,600.00	\$13,800.00		
SS-17A	8" Check Valves	EA	27	\$1,235.00	\$33,345.00	\$4,150.00	\$112,050.00	\$1,895.05	\$51,366.35	\$1,400.00	\$37,800.00	\$288.50	\$7,800.00	\$950.00	\$25,650.00	\$4,480.00	\$120,960.00	\$4,480.00	\$120,960.00	\$4,100.00	\$110,700.00	\$4,100.00	\$110,700.00	\$730.00	\$19,610.00	\$730.00	\$19,610.00	\$730.00	\$19,610.00		
TOTAL BID AMOUNT					\$974,477.80		\$1,044,468.76		\$1,051,721.24		\$1,098,235.00		\$1,054,685.12		\$1,170,605.00		\$1,354,656.00		\$1,354,656.00		\$1,354,656.00		\$1,354,656.00		\$1,354,656.00		\$1,354,656.00		\$1,354,656.00		\$1,354,656.00

I, Melissa D. Jones, P.E., Assistant Vice President, Volkert & Associates, Inc., Consulting Engineers, do hereby certify that this tabulation of bids received on May 23, 2007, for construction of the herein referenced project, is a true and correct copy of the bids submitted by the within named corporations.

Melissa D. Jones
 Melissa D. Jones, P.E., Assistant Vice President
 Volkert & Associates, Inc.

ORDINANCE NO. 2007 - 24

**Ordinance to Rezone Property Located on the Northeast Corner of
Whispering Pines Road and Parker Lane (1.5 Acres)
Arthur and Pina Whitherington**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-5, Mobile Home Residential District, to B-1, Local Business District, to said property is located on the Northeast Corner of Whispering Pines Road and Parker Lane, being more particularly described as follows:

Legal Description:

LEGAL DESCRIPTION:

STARTING AT THE HALF-SECTION POST ON THE SECTION LINE DIVIDING SECTIONS 8 AND 17, RUN THENCE WEST ALONG SAID SECTION LINE, 836 FEET TO A POINT; RUN THENCE NORTH 240 FEET TO THE POINT OF BEGINNING; RUN THENCE EAST 295 FEET TO A POINT; RUN THENCE NORTH 210 FEET TO A POINT; RUN THENCE WEST 295 FEET TO A POINT; RUN THENCE SOUTH 210 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 1.42 ACRES, MORE OR LESS, AND LIES IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 8, T5S, R2E, BALDWIN COUNTY, ALABAMA.

REFERENCE: TONE & TAN

WHEREAS, the Planning Commission of the City of Daphne on March 22, 2007 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, May 21, 2007 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from R-5, Mobile Home Residential District, to B-1, Local Business District and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2007.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

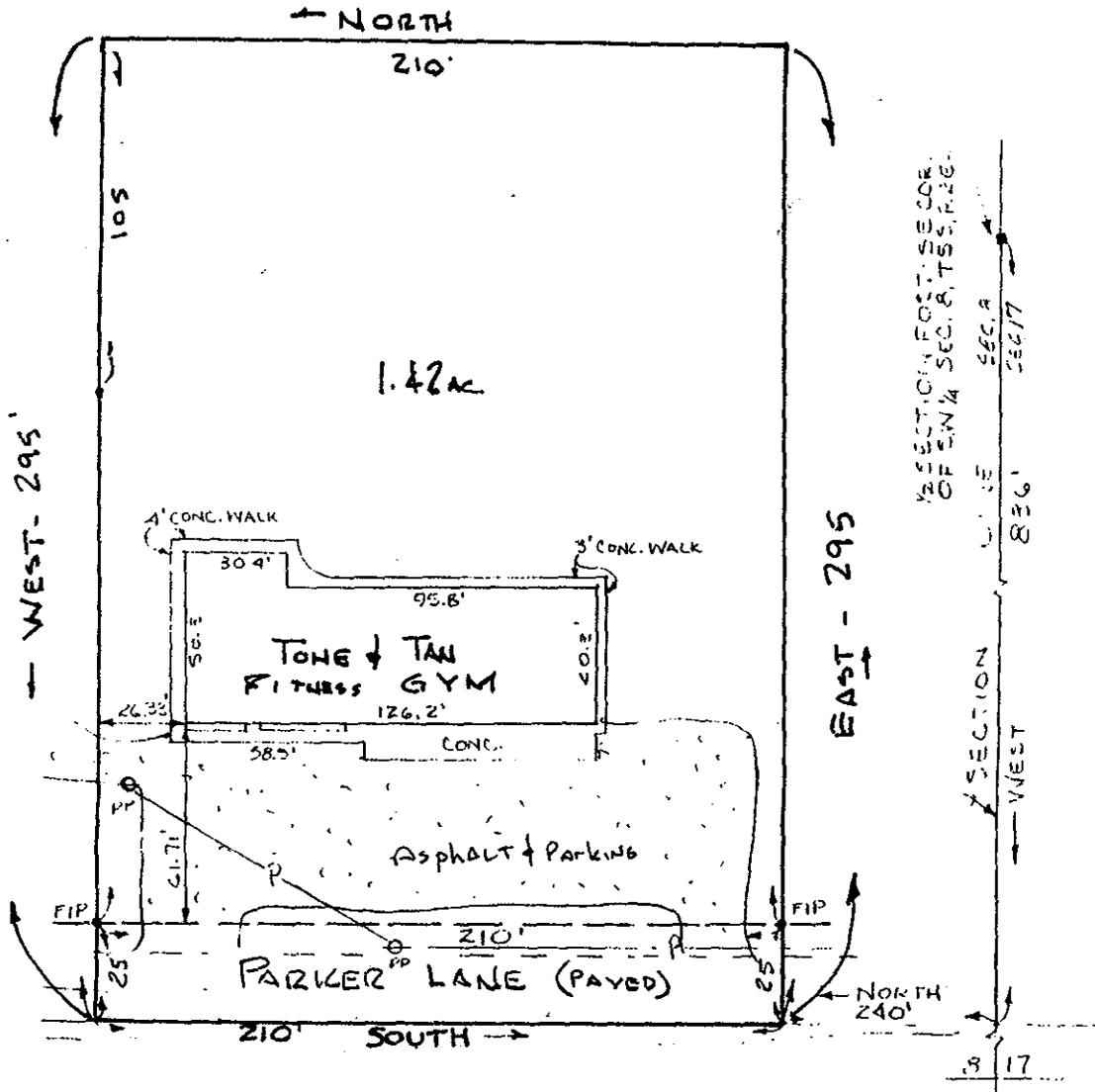
ARTHUR & PINA WITHERINGTON
ZONING AMENDMENT

EXHIBIT "A"

LEGAL DESCRIPTION:

STARTING AT THE HALF-SECTION POST ON THE SECTION LINE DIVIDING SECTIONS 8 AND 17, RUN THENCE WEST ALONG SAID SECTION LINE, 836 FEET TO A POINT; RUN THENCE NORTH 240 FEET TO THE POINT OF BEGINNING; RUN THENCE EAST 295 FEET TO A POINT; RUN THENCE NORTH 210 FEET TO A POINT; RUN THENCE WEST 295 FEET TO A POINT; RUN THENCE SOUTH 210 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 1.42 ACRES, MORE OR LESS, AND LIES IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 8, T5S, R2E, BALDWIN COUNTY, ALABAMA.

REFERENCE: TONE & TAN



DESCRIPTION:

Starting at the Half-section post on the Section line dividing Sections 8 and 17, run thence West along said Section line, 836 feet to a point; run thence North 240 feet to the Point of Beginning; run thence East 295 feet to a point, run thence North 210 feet to a point; run thence West 295 feet to a point; run thence South 210 feet to the Point of Beginning. Said parcel of land contains 1.42 acres, more or less, and lies in the SE 1/4 of the SW 1/4 of Fractional Section 8, T5S, R2E, Baldwin County, Alabama

EXHIBIT "B"

SCALE: 1"=40'
WITHERINGTON PROPERTY

PLOT PLAN
TONE & TAN
DAPHNE, AL.

**CITY OF DAPHNE
ORDINANCE NO. 2007- 27**

AN ORDINANCE AMENDING ORDINANCE NO. 2003-11 WHICH
REGULATED THE KEEPING OF DOGS, CATS,
DOMESTICATED ANIMALS, LIVESTOCK OR FOWL WITHIN THE
CITY OF DAPHNE, ALABAMA AND AN ORDINANCE ESTABLISHING
POLICY AND PROCEDURE FOR
ABANDONED DOGS AND CATS PRIOR TO ADOPTION

WHEREAS, on the 20th day of October, 2003, the City Council of the City of Daphne passed Ordinance No. 2003-11 which, among other things, established policy and procedure for the keeping of dogs, cats, domesticated animals, livestock or fowl within the City of Daphne, and

WHEREAS, the Mayor and City Council recognize the importance of promoting the health, safety and welfare of its citizens in regulating the keeping of domesticated pets, and providing for their sterilization when adopted, as required by law, and

WHEREAS, the Mayor and City Council desire to amend Ordinance No. 2003-11 regarding the treatment and outdoor housing of domesticated animals and the penalties for improper restraint of domesticated animals and to establish policies and procedures for the sterilization of adopted domesticated dogs and cats through the Baldwin Animal Rescue Center (BARC).

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AS FOLLOWS:

SECTION I: That Paragraph A of Section X of Ordinance No. 2003-11 is hereby repealed and replaced with the following:

A. ADOPTION OR HUMANE DESTRUCTION

In the event any impounded dog, cat or domesticated animal is not redeemed within ten (10) days after the same is impounded and the dog, cat or domesticated

animal does not bear a current City license, or if after ten (10) days from the time notice is mailed to the owner of dog, cat or domesticated animal which has been impounded, but bears a current City license, the Animal Control Officer may, at such Officer's discretion, place said dog, cat or domesticated animal in a home or turn the dog, cat or domesticated animal over to the Daphne Animal Shelter for adoption, or the Animal Control Officer, at such officer's discretion, may destroy said dog, cat or domesticated animal by lethal injection anytime thereafter. If prior to the expiration of the ten (10) days, the animal is injured or ill, the Animal Control Officer may, in his discretion, destroy the animal in the manner as heretofore described.

SECTION II: That the following Paragraph G shall be added to Section X of Ordinance No. 2003-11:

G. REQUIRED STERILIZATION

Any person who adopts a sexually mature dog or cat, at least 180 days in age, is required by state law to have the animal properly sterilized. Therefore, for all animals adopted through the Daphne Animal Shelter, the following fees will be collected by the Daphne Animal Shelter prior to the adoption of any dog or cat that is not sterilized and which is not privately owned:

For an unsterilized dog: \$75.00
For an unsterilized cat: \$50.00

These fees will be deposited with the Baldwin Animal Rescue Center which has agreed to be responsible for the voluntary transport of the required documentation, the payment, and the animal to a licensed veterinarian, the name and location of which shall be given to the adopting party for the retrieval of the animal after sterilization. The adopting party may, at their election, transport the animal to a specified veterinarian, but in any case, the payment and documentation will be delivered to that veterinarian by the Baldwin Animal Rescue Center. Follow-up will be conducted by the Baldwin Animal Rescue Center to determine that the adopting party has complied with the sterilization law. Should it be determined that an adopting party has not complied with the law, which is a misdemeanor offense, referral will then be made by the Baldwin Animal Rescue Center to the proper authorities for enforcement.

This section does not apply to private persons who have evidence of ownership of an animal taken into custody of the Daphne Animal Shelter.

SECTION III: That Paragraph D(2) of Section XIV of Ordinance No. 2003-11 is hereby repealed and said paragraph shall hereafter read as follows:

D. CONDITION OF PREMISES

2) An owner or person-in-charge of any dog, cat or domesticated animal shall provide adequate shelter from the elements if the animal is kept outside. Adequate food and water shall be made available to the animal. Dogs shall not be kept or maintained on a chain or tether in the city limits of Daphne. Any dog confined with a fenced in yard must have adequate space for exercise based on the dimensions of at least 150 square feet per dog. Such enclosure shall be constructed of chain link or wooden fencing or a similar type material with all four sides enclosed. The enclosure shall be of sufficient height to prevent the animal from escaping from such enclosure and shall meet the requirements of the Alabama Animal Rights Protection Act, Section 13A-11-24(1). At no time may any animal be tied or leashed to an inanimate object, i.e., tree, post, etc.

As an alternative, the owner may use underground "invisible" fencing to meet the requirements of this section in lieu of a chain link or wooden fence. The invisible fencing must be able to properly and humanely restrain the dog on the property. A dog at large is prima facie evidence that the invisible fence did not properly restrain the animal. During power outages, etc., the owner must take other proper measures such as bringing the animal inside to prevent the animal from being at large during power outages.

Owners shall have ninety (90) days from the effective date of this ordinance to come into compliance with its requirements as set out herein.

SECTION IV: That Section XXI of Ordinance No. 2003-1 regarding the infraction of "Dog on runner less than 20 feet long" is hereby deleted and replaced with the following:

<u>Infraction</u>	<u>Fine</u>	
Dog on runner instead of fenced enclosure	1 st Offense	\$100.00
	2 nd Offense	\$250.00
	3 rd Offense	\$500.00 and/or 30 days in jail

SECTION V: The remainder of Ordinance No. 2003-11 shall remain in full force and effect.

SECTION VI: SEVERABILITY

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held to be unconstitutional or invalid, such decision shall not affect or impair the remainder of this Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof separately and independently of each other.

SECTION VII: REPEALER

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION VIII: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THIS _____ DAY OF _____, 2007.

Ordinance No. 2007-27
Page Five

GREG BURNAM
COUNCIL PRESIDENT

Date and Time Signed

FRED SMALL
MAYOR

Date and Time Signed

ATTEST:

DAVID COHEN
CITY CLERK, MMC